

# SEA ISLAND G-8 SUMMIT TO SHOWCASE COASTAL GEORGIA

(Mr. BURNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURNS. Mr. Speaker, I rise today to congratulate my home State of Georgia, which was selected this week as the site for the 2004 meeting of the eight major industrial democracies. This will be the largest single event that Georgia has hosted since its 1996 summer Olympics in Atlanta. The Sea Island summit will be held on June 8 through 10 of next year and provides an excellent opportunity to showcase coastal Georgia to the world. The economic impact alone to the State is estimated to be nearly \$200 million, and the preparations will bring jobs and opportunity to the entire area.

I would like to thank President Bush, Governor Perdue, and all the elected officials who worked hard to bring this event to Georgia. The beautiful cities of Savannah and Brunswick will welcome members of the media and all of the government officials with our special hospitality.

Mr. Speaker, I look forward to welcoming the democratic powers of the world to my home State next year for a memorable Southern summit.

## NATIONAL DEBT INCREASING

(Mr. STENHOLM asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STENHOLM. Mr. Speaker, it has been 798 days since President Bush and the Republican Party embarked on their economic plan for our country. During that time, the national debt has increased by \$1,078,466,570,109. According to the Web site for the Bureau of Public Debt at the U.S. Treasury Department, yesterday at 4:30 p.m. Eastern Standard Time the Nation's outstanding debt was \$6,718,791,956,467. Furthermore, in fiscal year 2003, interest on our national debt, or the "debt tax," is \$277,768,492,816 through June 30.

## HONORING THE VALOR OF WALT AND DONYELLE WILKINS

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, I rise today to honor the courage and bravery of a newlywed couple from Greenville, South Carolina. This past Sunday, Walt and Donyelle Wilkins were flying to their honeymoon destination in the Bahamas when their commuter flight crashed into the Atlantic Ocean off Abaco Island.

Of the nine passengers and pilot aboard, Diane Parker Diaz of Jacksonville, Florida, and her 3-year-old niece, Dante Parker, did not survive. How-

ever, Diaz's two children, Andre Parker Diaz and Elisa Parker Diaz, were saved through the selfless efforts of Walt and Donyelle.

Disregarding immediate personal safety, the Wilkins couple stayed behind and held the children above them in the water as they treaded water for over an hour waiting for rescue.

I ask all of my colleagues to join me in thanking Walt and Donyelle Wilkins for their heroic act, continuing the tradition of the dedicated Wilkins family. Our thoughts and prayers go out to all those who were involved in the tragic event.

In conclusion, God bless our troops.

## OPENING OF THE CLAY CENTER FOR THE ARTS AND SCIENCES

(Mrs. CAPITO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CAPITO. Mr. Speaker, I rise today in recognition of the recently opened Clay Center for the Arts and Sciences. My hometown of Charleston, West Virginia, has been eagerly awaiting the opening of this magnificent cultural and entertainment center over the course of the past 2 decades.

The center, which began as a far-fetched idea, progressed through arduous fund-raising and construction, finally opened its doors on July 12.

This impressive project would not have been possible without John McClaugherty's vision, as well as generous contributions by Lyell and Buckner Clay, the Clay Foundation and Clay extended family, the Benedum Foundation, the Maier Foundation, the Greater Kanawha Valley Foundation, the City of Charleston, Kanawha County, and the West Virginia State Legislature.

The Clay Center offers the combination of a first-class art museum, a 1,800-seat performing arts center, and state-of-the-art science center, complete with a 180-seat planetarium.

This outstanding center will undoubtedly enhance cultural, educational, and economic opportunities for West Virginians. I am proud to have this new center in my State and in my district, and I look forward to the wonderful opportunities that it will provide for West Virginia's future. I also would like to welcome all of America to visit the Clay Center.

## THANKING TONY BLAIR

(Mr. SHIMKUS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHIMKUS. Mr. Speaker, yesterday we had the opportunity to hear Prime Minister Blair here in this Chamber; and I want to thank him for his straight talk, his compassion, his love of freedom, and the words he imparted to this Chamber.

He spoke from the heart about the dangers to the world and the impor-

tance to meet these dangers head on. He also spoke about the importance of the transatlantic relationship, which is really, I think, the world's next best hope to rid the world of dangerous tyrants and weapons of mass destruction.

The world is blessed by having firm, strong, committed leaders like President Bush and Prime Minister Blair. This country thanks them for their service, and we thank him for visiting this Chamber.

## REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1472

Mr. ISAKSON. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 1472.

The SPEAKER pro tempore (Mr. BISHOP of Utah). Is there objection to the request of the gentleman from Georgia?

There was no objection.

## GENERAL LEAVE

Mr. HOBSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 2754 and that I may include tabular and extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

## ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2004

The SPEAKER pro tempore. Pursuant to the order of the House of Thursday, July 17, 2003, and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2754).

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## IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2754) making appropriations for energy and water development for the fiscal year ending September 30, 2004, and for other purposes, with Mr. ISAKSON in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the order of the House of the legislative day Thursday, July 17, 2003, the bill is considered read for the first time.

The gentleman from Ohio (Mr. HOBSON) and the gentleman from Indiana (Mr. VISCLOSKEY) each will control 30 minutes.

The Chair recognizes the gentleman from Ohio (Mr. HOBSON).

Mr. HOBSON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, it is my pleasure to submit to the House for consideration the fiscal year 2004 energy and water development appropriations act.

I want to first thank my ranking member, the gentleman from Indiana (Mr. VISCLOSKEY), for working with me on this bill. I want to thank his staff. I also want to thank my staff, who has worked very hard on this bill. This is the first time I have actually done the full bill on the floor, and I appreciate the tutorial from everybody on this bill.

I also want to thank the gentleman from Wisconsin (Mr. OBEY), the ranking member on the full committee. I also particularly want to thank the gentleman from Florida (Mr. YOUNG), my overall chairman, who has worked with me on this bill.

Mr. Chairman, I have a rather long speech here this morning to give; but I am not going to give it, because I know a lot of Members want to go home, so I am going to submit it for the RECORD.

Mr. Chairman, it is my pleasure to submit to the House for its consideration the fiscal year 2004 Energy and Water Development Appropriations Bill. On Tuesday, July 15th, the Appropriations Committee unanimously approved the bill, and I believe it merits the support of the entire membership of the House. I want to thank all the members of the subcommittee for their help in bringing the bill to the floor today. I particularly want to thank Mr. VISCLOSKEY for his help and cooperation. I also want to thank the Chairman of the Appropriations Committee, Mr. YOUNG, and the ranking minority member, Mr. OBEY for allowing us to move forward in such an expeditious manner.

Mr. Chairman, this bill provides annual funding for a wide variety of programs, which include such diverse matters as maintenance of the Nation's nuclear weapons stockpile, navigation improvements, environmental cleanup, flood control, advanced scientific research, and nuclear waste disposal.

Total spending in the fiscal year 2004 Energy and Water Development Bill is \$27,080,000, the same as the subcommittee's 302b allocation. This is an increase of \$942 million over fiscal year 2003 and \$134 million over the President's budget request. The bill I present to the House today is fiscally responsible, and meets the major needs of the members of the House.

Title I of the bill provides funding for the civil works programs of the United States Army Corps of Engineers and the Formerly Used Sites Remedial Action Program. The Committee has recommended a total of \$4.48 billion for Title I, \$288 million above the budget request, but \$156 million below the amount appropriated last year. The Committee concentrated the limited resources it had for the Corps on ongoing projects and did not include funds for new studies or construction projects.

Mr. Chairman, even though we were able to provide an increase over the budget request for the Corps of Engineers, I am very concerned that we, and that includes the Congress and the Administration, are not spending enough on our water resources infrastructure. This infrastructure supports much of the Nation's commerce and provides a physical safety net against natural disasters for many of our citizens. The Administration's budget request underfunds most of the ongoing Corps of Engineers construction projects. While we have added funds for a number of those projects, those funds are not adequate to keep the

projects on their most efficient schedules. The result is higher costs and a delay in receiving the benefits that the projects will provide. I hope to begin an active dialog with the Administration in an attempt to convince them of the need to increase funding to support the Civil Works program of the Corps of Engineers.

One program of the Corps of Engineers which is of great interest to me is the restoration of the Everglades, which is a partnership between the Federal government and the State of Florida. In very simple terms, the State is charged with cleaning up the water that enters the Everglades, and the Federal government is responsible for fixing the plumbing. We fully funded the Administration's request of \$145 million for activities related to restoration of the Everglades; however, I am concerned that recent actions taken by the State may signify a lessening of its resolve to live up to its part of the bargain. I have written to the Governor and have spoken to him to let him know of my concerns. Because of those concerns, we have included language in the Bill that would deny the use of funds for Everglades restoration if the State does not meet court ordered water quality standards. I intend to monitor this situation very closely.

Funding for Title II of the bill, which includes the Central Utah Project Completion Account and the programs of the Bureau of Reclamation, is \$947.9 million, \$24.3 million below the amount appropriated last year and \$25.7 million above the budget request. The Committee did not provide the \$15 million requested by the Administration for the CALFED Bay-Delta program. The authorization for this program expired in fiscal year 2000 and it has not been reauthorized.

Today funding for Title III, the Department of Energy is \$22 billion, \$1.18 billion above fiscal year 2003 and \$147 million below the budget request.

Mr. Chairman, my top priority within the Department of Energy is Yucca Mountain. It is essential that we have this repository ready to accept spent nuclear fuel as soon as possible for two very important reasons—energy security and homeland security. Nuclear energy currently generates about 20 percent of the Nation's electricity without emitting any greenhouse gases. That percentage could grow, but it will not until there is a place for safe, long-term storage of the waste that is generated. That place is Yucca Mountain. With regard to homeland security, the events of September 11th have taught us that spent nuclear fuel currently stored at reactor sites around the country might not be as secure as we once thought. Therefore, we have included an additional \$174 million above the budget request for the Department of Energy to begin work on a rail line in Nevada that, and this is important, will avoid Las Vegas, on the national transportation system, and on improved containers and early acceptance of spent fuel presently stored at reactor sites. These items have not been addressed in the past because the other body has routinely cut the President's budget, and the Department has had to concentrate all its resources on the license application it is scheduled to submit to the Nuclear Regulatory Commission in December of 2004. For fiscal year 2004, the other body has recommended \$425 million, \$166 million below the budget request. We also provide \$30 million for impact assistance to the affected counties in Nevada so the people there can see the economic advantage that the repository will bring.

Another priority in this Bill is advanced scientific computing. By a number of key measures of computing power, the United States is now in second place behind Japan. For the sake of our scientific leadership, for our national security, and for economic competitiveness, we cannot afford to stay in second place. We have provided an additional \$40 million for DOE's Advanced Scientific Computing Research program to procure additional state-of-the-art computers in the near term and to begin an interagency effort to develop a next-generation computer architecture that will leapfrog ahead of current designs.

Mr. Chairman, another area of concern is the portion of the Department of Energy's budget request that deals with the nuclear weapons complex. The Department continues to ask Congress to fund a Cold War nuclear arsenal, and the infrastructure necessary to maintain that arsenal, even though we no longer face a Cold War adversary. As President Bush said when he announced reductions to the nuclear stockpile on November 13, 2001, "The United States and Russia have overcome the legacy of the Cold War." At that time, he pledged that the United States would reduce our stockpile to 1,700 to 2,200 operationally deployed warheads over ten years because, as he said, "the current levels of our nuclear forces do not reflect today's strategic realities." I couldn't agree more. We do not need thousands of warheads to deter a nuclear attack anymore, but the Department of Energy and the Department of Defense want Congress to continue to pay for a Cold War stockpile. It is time the DOE and the DOD begin to shrink the footprint of the nuclear weapons infrastructure to reflect the President's decision to reduce our nuclear arsenal. DOD is rethinking the kinds of forces it needs to respond to the threats of the new century, and will go through another round of BRAC to bring down its footprint. The National Nuclear Security Administration should go through a similar process and take a hard look at its workforce and facility needs for a smaller stockpile. Accordingly, we have not approved all of the increase requested for weapons activities in fiscal year 2004.

Mr. Chairman, in this Bill we have also attempted to send a signal to the Department of Energy and the Russian government with regard to the Nuclear Nonproliferation program. At the end of May of this year, the Department had unobligated balances in this program of almost \$600 million. That is money just sitting at DOE headquarters. In addition, by this fiscal year, the Department estimates that it will have uncosted balances of over \$1.1 billion. I view this as poor management. We are fully supportive of the nuclear nonproliferation mission, but we have to question whether we are achieving the program goals when over a billion dollars goes unspent. We need to figure out what is wrong and fix it before this issue endangers support for the program.

Lastly, one of the key changes I want to make in the Department of Energy is to change the culture about contract competition. There are a number of DOE lab contracts that were initially awarded without competition back during World War II and have never been competed since. That has to change. I am firmly convinced of the benefits of competition, and we have included language in the bill effectively requiring the Secretary of Energy to compete all M&O contracts that have not been

competitively awarded within the past 50 years.

Funding for Title IV, Independent Agencies, is \$138.4 million, a decrease of \$68.2 million from last year and \$9.5 million below the budget request. We have funded the Appalachian Regional Commission at the budget request level of \$33,145,000. I realize that a number of members are concerned about this level of funding, which is \$37 million below

last year's level. However, our allocation did not permit us to provide an increase above the budget request. The other body has provided \$ for the ARC and we can address this when the bill is in conference.

Mr. Chairman, before I conclude I would also like to thank the staff for their help in getting me up to speed on the complex issues we have in this bill. The Subcommittee staff includes Bob Schmidt, Kevin Cook, Dennis

Kern, Scott Burnison, Tracy LaTurner, and our detailee from the Corps of Engineers, Robert Pace. I also want to thank Kenny Kraft of my staff.

Mr. Chairman, I know that not everyone is happy with everything we have done in this bill, but I think we have produced a fair and balanced product and I hope the members will unanimously support what we have done.

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2003  
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2004 (H.R. 2754)  
(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	Bill	Bill vs. Enacted	Bill vs. Request
TITLE I - DEPARTMENT OF DEFENSE - CIVIL					
DEPARTMENT OF THE ARMY					
Corps of Engineers - Civil					
General investigations.....	134,141	100,000	117,788	-16,353	+17,788
Construction, general.....	1,744,598	1,350,000	1,642,911	-101,687	+292,911
Flood control, Mississippi River and tributaries, Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee.....	342,334	280,000	301,054	-41,280	+21,054
Operation and maintenance, general.....	1,927,556	1,939,000	1,932,575	+5,019	-6,425
Supplemental appropriations (P.L. 108-11).....	39,000	---	---	-39,000	---
Regulatory program.....	138,096	144,000	144,000	+6,904	---
FUSRAP.....	144,057	140,000	140,000	-4,057	---
Flood control and coastal emergencies.....	14,902	70,000	40,000	+25,998	-30,000
General expenses.....	154,143	171,000	164,000	+9,857	-7,000
Total, title I, Department of Defense - Civil...	4,638,827	4,194,000	4,482,328	-156,499	+288,328
TITLE II - DEPARTMENT OF THE INTERIOR					
Central Utah Project Completion Account					
Central Utah project construction.....	23,489	27,040	27,040	+3,551	---
Fish, wildlife, and recreation mitigation and conservation.....	11,186	15,423	9,423	-1,763	-6,000
Subtotal.....	34,675	42,463	36,463	+1,788	-6,000
Program oversight and administration.....	1,317	1,728	1,728	+411	---
Total, Central Utah project completion account..	35,992	44,191	38,191	+2,199	-6,000
Bureau of Reclamation					
Water and related resources.....	808,203	771,217	817,913	+9,710	+46,696
Supplemental appropriations (P.L. 108-11).....	25,000	---	---	-25,000	---
Loan program.....	---	200	200	+200	---
Central Valley project restoration fund.....	48,586	39,600	39,600	-8,986	---
California Bay-Delta restoration.....	---	15,000	---	---	-15,000
Working capital fund (rescission).....	---	-4,525	-4,525	-4,525	---
Policy and administration.....	54,513	56,525	56,525	+2,012	---
Total, Bureau of Reclamation.....	936,302	878,017	909,713	-26,589	+31,696
Total, title II, Department of the Interior.....	972,294	922,208	947,904	-24,390	+25,696
TITLE III - DEPARTMENT OF ENERGY					
Energy supply.....	696,858	748,329	691,534	-5,324	-56,795
Non-defense site acceleration completion.....	---	170,875	170,875	+170,875	---
Non-defense environmental management.....	213,624	---	---	-213,624	---
Uranium enrichment decontamination and decommissioning fund.....	---	418,124	392,002	+392,002	-26,122
Non-defense environmental services.....	---	292,121	320,468	+320,468	+28,347
Uranium facilities maintenance and remediation.....	453,409	---	---	-453,409	---
Science.....	3,261,328	3,310,935	3,480,180	+218,852	+169,245
Supplemental appropriations (P.L. 108-11).....	11,000	---	---	-11,000	---
Nuclear Waste Disposal.....	144,058	161,000	335,000	+190,942	+174,000
Departmental administration.....	205,280	326,306	224,329	+19,049	-101,977
Miscellaneous revenues.....	-120,000	-146,668	-123,000	-3,000	+23,668
Net appropriation.....	85,280	179,638	101,329	+16,049	-78,309
Office of the Inspector General.....	37,426	39,462	39,462	+2,036	---

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(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	Bill	Bill vs. Enacted	Bill vs. Request
<b>Atomic Energy Defense Activities</b>					
National Nuclear Security Administration:					
Weapons activities.....	5,914,409	6,378,000	6,117,609	+203,200	-260,391
Supplemental appropriations (P.L. 108-11).....	67,000	---	---	-67,000	---
Defense nuclear nonproliferation.....	1,020,860	1,340,195	1,280,195	+259,335	-60,000
Supplemental appropriations (P.L. 108-11).....	148,000	---	---	-148,000	---
Naval reactors.....	702,196	768,400	768,400	+66,204	---
Office of the Administrator.....	325,102	347,980	341,980	+16,878	-6,000
Subtotal, National Nuclear Security Administration.....	8,177,567	8,834,575	8,508,184	+330,617	-326,391
Defense environmental restoration and waste management Supplemental appropriations (P.L. 108-11).....	5,428,806	---	---	-5,428,806	---
Defense facilities closure projects.....	6,000	---	---	-6,000	---
Defense site acceleration completion.....	1,130,915	---	---	-1,130,915	---
Defense environmental management privatization.....	---	5,814,635	5,758,278	+5,758,278	-56,357
Defense environmental services.....	157,369	---	---	-157,369	---
Defense environmental services.....	---	995,179	990,179	+990,179	-5,000
Subtotal, Defense environmental management.....	6,723,090	6,809,814	6,748,457	+25,367	-61,357
Other defense activities.....	511,659	636,154	666,516	+154,857	+30,362
Supplemental appropriations (P.L. 108-11).....	4,000	---	---	-4,000	---
Defense nuclear waste disposal.....	312,952	430,000	430,000	+117,048	---
Cerro Grande fire activities (rescission).....	---	-75,000	-75,000	-75,000	---
Total, Atomic Energy Defense Activities.....	15,729,268	16,635,543	16,278,157	+548,889	-357,386
<b>Power Marketing Administrations</b>					
Operation and maintenance, Southeastern Power Administration.....	4,505	5,100	5,100	+595	---
Operation and maintenance, Southwestern Power Administration.....	27,200	28,600	28,600	+1,400	---
Construction, rehabilitation, operation and maintenance, Western Area Power Administration.....	167,760	171,000	171,000	+3,240	---
Falcon and Amistad operating and maintenance fund.....	2,716	2,640	2,640	-76	---
Total, Power Marketing Administrations.....	202,181	207,340	207,340	+5,159	---
<b>Federal Energy Regulatory Commission</b>					
Salaries and expenses.....	192,000	199,400	192,000	---	-7,400
Revenues applied.....	-192,000	-199,400	-192,000	---	+7,400
Total, title III, Department of Energy.....	20,834,432	22,163,367	22,016,347	+1,181,915	-147,020
<b>TITLE IV - INDEPENDENT AGENCIES</b>					
Appalachian Regional Commission.....	70,827	33,145	33,145	-37,682	---
Defense Nuclear Facilities Safety Board.....	18,876	19,559	19,559	+683	---
Delta Regional Authority.....	7,948	2,000	2,000	-5,948	---
Denali Commission.....	47,688	9,500	---	-47,688	-9,500
Nuclear Regulatory Commission:					
Salaries and expenses.....	577,806	618,800	618,800	+40,994	---
Revenues.....	-520,087	-538,844	-538,844	-18,757	---
Subtotal.....	57,719	79,956	79,956	+22,237	---
Office of Inspector General.....	6,797	7,300	7,300	+503	---
Revenues.....	-6,392	-6,716	-6,716	-324	---
Subtotal.....	405	584	584	+179	---
Total, Nuclear Regulatory Commission.....	58,124	80,540	80,540	+22,416	---

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(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	Bill	Bill vs. Enacted	Bill vs. Request
Nuclear Waste Technical Review Board.....	3,179	3,177	3,177	-2	---
	=====	=====	=====	=====	=====
Total, title IV, Independent agencies.....	206,642	147,921	138,421	-68,221	-9,500
	=====	=====	=====	=====	=====
Grand total:					
New budget (obligational) authority.....	26,652,195	27,427,496	27,585,000	+932,805	+157,504
Appropriations.....	(26,652,195)	(27,507,021)	(27,664,525)	(+1,012,330)	(+157,504)
Rescissions.....	---	(-79,525)	(-79,525)	(-79,525)	---
	=====	=====	=====	=====	=====

Mr. Chairman, I reserve the balance of my time.

Mr. VISCLOSKY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I thank my chairman very much. I, too, would begin by thanking individuals; and I do want to thank members of the staff, because we would not be here without this excellent product and their help.

I do want to mention specifically Rob Pace, Leslie Phillips, Tracey La Turner, Kenny Craft, Peder Maarbjerg, Scott Burnison, Dennis Kerns, Kevin Cook, Rob Nabors, and Bob Schmidt. They have all worked very diligently, very hard; and, again, we would not be here without their very diligent and intelligent work.

Secondly, I must thank my chairman, the gentleman from Ohio (Mr. HOBSON). While this is the first time he has brought an energy and water bill to the floor, you would not know it from the work product. I have had the pleasure of serving with a number of very distinguished, wonderful gentlemen who have produced good work products. I must tell you this now is the fifth energy and water bill I have managed for the minority on the floor. It is by far the best bill we have ever brought to the floor, and I would ask my colleagues to support it.

The gentleman from Ohio (Mr. HOBSON) has been eminently fair. He has been trusting of the minority, he has been professional in all of his dealings, he has been decisive in his decisions, and the Department of Energy and other agencies within this bill will be better for his actions. He is a friend, and he has made the last 6 months of working on this bill fun. This is a good bill.

Mr. Chairman, I reserve the balance of my time.

Mr. HOBSON. Mr. Chairman, I reserve the balance of my time.

Mr. VISCLOSKY. Mr. Chairman, I yield such time as he may consume to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, I want to take about 5 minutes to make note of a couple of things. As the House certainly knows, I have vigorously opposed a number of appropriations bills that have come to the floor this year. One is the labor-health-education bill, for instance; another will be the transportation bill, which has not yet come to the floor, but which has substantial problems. And there have been several others.

I have opposed them for two reasons. One reason is because the depth of the tax cuts passed by this House has meant that we have starved needed investment in areas like education, health, transportation, et cetera.

The second reason that I have opposed some of those bills has been because I think that they have been drafted as though an ideological agenda was the most important consideration in putting them together.

I support this bill enthusiastically, because I think it departs from the conditions that I have just described on those other bills in two ways.

First of all, I think that the allocation to this subcommittee, while it is certainly, in my view, skinny in several areas, the allocation does not do as much damage to the programs under the jurisdiction of this subcommittee as is done, for instance, when we starve education and health care and worker protection programs, as we did in the labor-health-education bill.

But, secondly, I support this bill because I appreciate the craftsmanship behind it. This bill, in my view, has been put together as a substantive, rather than a political, document. It is not driven, in my view, by ideology. I think the Chair and the ranking member have made decisions based on their individual independent judgments about policy, and that is what we are supposed to do here. We are supposed to be a legislative body, at least as much as we are a political body.

In many of the bills that have come before this House so far, we have had political products. This is a legislative product; and I simply want to congratulate the gentleman from Ohio for bringing it to the floor, because this is the way this House ought to function.

So I believe in strong criticism when criticism is warranted, and I believe in the opposite when the opposite is warranted; and I think this is one such occasion.

As I have said, I do not agree with every judgment in this bill. In fact, I strongly disagree with two. But that is all right, because I think those differences were arrived at honestly on the basis of a different view of policy. So we can have reasonable arguments about that. I do not think the allocation has been crippling to the programs under the jurisdiction of this committee, and I appreciate that it too.

So I, like the gentleman from Indiana, urge my colleagues to vote for the bill. There is one amendment that I may vote for, but that aside, regardless of the outcome of that amendment, I would urge Members to give this bill the support that it deserves.

Mr. HOBSON. Mr. Chairman, I yield such time as he may consume to the gentleman from Florida (Mr. YOUNG), the chairman of the full committee.

Mr. YOUNG of Florida. Mr. Chairman, I rise briefly to compliment the gentleman from Ohio (Chairman HOBSON), along with his ranking member, for doing a really fine job.

This bill could have used more money, but all of our 13 subcommittees have marked up, and each one of them has said they could have used more money. So I think we are probably on the right track. Nobody got too much, and nobody got too little.

The good news is that this is a very good bill, it is very well written and it is very fair. This is the eighth appropriations bill that the House will have concluded its work on prior to the Au-

gust recess. All 13 subcommittees have marked up their bills. All but two of the bills have been marked up in the full committee, and that will happen next week, as well as the second supplemental request that we received from the President.

So, all in all, once we were able to begin our work, the committee has done an excellent job, and I commend all of the Members on both sides of the aisle, the staff on both sides of the aisle, for working in a very professional way.

I want to thank the gentleman from Wisconsin (Mr. OBEY), because he has been a partner. Although we have had disagreements on occasion, he has been exceptional to work with. Our cooperation could not be better.

Mr. Chairman, we have a good product here, and I hope that we can move this bill along. Again, I congratulate the gentleman from Ohio (Chairman HOBSON) and the ranking member, the gentleman from Indiana (Mr. VISCLOSKY), for doing such a good job.

Mr. VISCLOSKY. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. HOBSON. Mr. Chairman, I yield such time as he may consume to the gentleman from Kentucky (Mr. ROGERS).

Mr. ROGERS of Kentucky. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, would the chairman of the subcommittee engage in a short colloquy with this Member?

Mr. HOBSON. Mr. Chairman, will the gentleman yield?

Mr. ROGERS of Kentucky. I yield to the gentleman from Ohio.

Mr. HOBSON. Mr. Chairman, first I might say this colloquy is a little more structured than the one we had that everybody thought was a dog and pony show in committee. We did not plan it there, but we have decided to do it again.

Mr. ROGERS of Kentucky. Mr. Chairman, reclaiming my time, I thank the gentleman.

First of all, I want to thank the gentleman from Ohio (Chairman HOBSON) for a very good, solid, comprehensive, evenhanded bill to address our energy and infrastructure needs for fiscal year 2004.

Mr. Chairman, as you know, since September 11 the Federal Government has undergone its most comprehensive reshuffling since World War II with the creation of the Department of Homeland Security. As such, we have realized that a terrorist attack, nuclear or otherwise, could come not from a foreign state, but from our own backyard, using unconventional means to disrupt the lives of peaceful citizens.

Mr. Chairman, how many places in this country do we store spent nuclear fuel, and where and how is this nuclear spent fuel being stored?

Mr. HOBSON. Mr. Chairman, if the gentleman will yield further, I believe there are 103 nuclear power stations in

the United States. At those installations, less than half the spent fuel is held within the reactor wall in giant water-cooled pools.

Mr. ROGERS of Kentucky. Over half the material is outside the protection of the main building?

Mr. HOBSON. That is correct. The Federal Government signed an agreement with the utility companies to dispose of this nuclear material by 1998 at the Yucca Mountain repository in Nevada. Unfortunately, Yucca Mountain is not scheduled to open until 2010.

Mr. ROGERS of Kentucky. So, as it stands, probably until 2010 this highly radioactive material is sitting there exposed at most of the power plants in the country, outside the nuclear reactor building, waiting to be transported to Yucca Mountain. Is that correct?

Mr. HOBSON. Yes, that is true. What has happened is some of the material has been transferred to concrete stationary casks after it has been in the pool for the appropriate time, but this radioactive fuel will have to be carefully removed and repackaged for shipment to Yucca Mountain in a manner that is much safer and in a moveable container.

Mr. ROGERS of Kentucky. Given the volume of the material we are dealing with and the volatility of that material and its being subject to being attacked, is there a better way to address the issue of storage between now and 2010 and then proper shipment to Yucca Mountain?

Mr. HOBSON. In my opinion there is. This bill directs the Department of Energy to determine the potential cost savings and threat level reduction by placing spent fuel into a dual-use cask rather than separate storage and transportation casks. By reducing both the handling and exposure periods, we can substantially increase the safety and security levels and prevent a possible or potential future accident at the sites.

Mr. ROGERS of Kentucky. When the gentleman talks about dual-use casks, could the gentleman tell me what he means by that?

Mr. HOBSON. These are casks that, on the site, instead of putting them into the concrete thin-barrier-walled facilities that they are in now, they would go into a much higher, non-penetrable type of facility container that would be manufactured and delivered to the site, and put into that cask. That cask could then be put on a rail car in future years and transferred out to Yucca Mountain and put directly into the mountain, rather than the procedure they are talking about now of taking those casks that they have got there now, which are concrete and a very thin wall, taking those, putting them into another container, then putting them on a rail car, taking them to Yucca Mountain, taking them out again, putting them into another container there, and then putting it in the ground.

This would, in my opinion, be a much more cost-effective way of handling

this waste and a much safer way of handling the waste in the current situation.

Mr. ROGERS of Kentucky. So the cask you are talking about would serve two purposes, be dual use: one, it would safely protect the material while we are waiting around for Yucca to be finished; and, two, you would not need to change it into another container to ship it out there.

Mr. HOBSON. That is correct. You would not have to do it again after you got out there. You would not have to take it out, put it in another container, and then put it underground.

Mr. ROGERS of Kentucky. What I am most concerned about from my perspective is the storage of material at the nuclear power plant pending Yucca Mountain shipment, the years we are having that material laying there exposed to perhaps an attack. By the way, each one of these nuclear plants is within 20 miles of an airport.

Would these dual-use casks that the gentleman refers to, would they be impervious to such an attack?

Mr. HOBSON. Mr. Chairman, if the gentleman will yield further, the word "impervious" is pretty difficult or a pretty high standard. I think we would have to study it a little bit more, but I think they are far more resilient to that type of attack or another type of attack than where we are today, and we would be much safer.

Mr. ROGERS of Kentucky. Mr. Chairman, I thank the gentleman. From my perspective on the Subcommittee on Homeland Security of the Committee on Appropriations, I strongly support quickly moving toward these dual-use, thick-walled containers which can be used for storage and transportation to Yucca Mountain, and, in the meantime, give us maximum protection from the attack on that material causing great possible harm. This would reduce the potentially catastrophic effects of a terrorist attack on a nuclear power plant.

I look forward to working with the chairman on this issue and congratulate the gentleman on a great bill.

Mr. HOBSON. Mr. Chairman, I thank the gentleman, and I agree with the gentleman's comments.

Mr. RAHALL. Mr. Chairman, I rise to protest the drastic and devastating cuts to the Appalachian Regional Commission ("ARC") in the House of Representatives' Energy and Water Appropriations bill, on which we will vote today.

The ARC provides vital infrastructure investments in a historically distressed area of the country that spans 13 states including all of West Virginia, my home State.

The cuts in the Energy and Water Appropriations will slash the ARC budget by over 50 percent from its fiscal year 2002 levels. The Transportation and Infrastructure Committee, of which I am a senior member, had authorized \$88 million for this vital program, but the bill only provides for \$33 million in ARC funding. Simply put, this bill seeks to gut a worthwhile program upon which so many people across so many states depend.

I understand that Senator ROBERT BYRD, that great West Virginian and one of the most distinguished public servants in American history, has managed to fund the ARC at its current level in the Senate's Energy and Water Appropriations. His efforts are greatly appreciated, and I applaud him both personally and professionally for what he has done for the ARC and therefore for West Virginia. Were it not for Senator BYRD's efforts, I would have to oppose the House Energy and Water Appropriations bill outright.

In the 1960s, President Johnson carried out a promise to help raise the Appalachian region out of its crushing poverty when he formed the Appalachian Regional Commission. For over 30 years, the ARC has provided for development and jobs throughout 410 counties across a 200,000 square mile region. Although the Appalachian region is dramatically improved because of this effort, there remains more work to be done to fulfill the promise made.

Mr. Chairman, some have questioned the value of the ARC. In response, I would like to note a few examples of the good work the ARC has done most recently in southern West Virginia:

The ARC provided the Prichard, WV Public Service District with a \$100,000 grant to construct a wastewater collection and treatment system that will provide water to 225 customers and create 148 jobs in Wayne County, WV.

A \$1 million grant to the Glen White/Trap Hill Public Service District in Raleigh County, WV, will fund construction of a three water storage tanks and replace some existing water lines while extending service to surrounding communities that had to rely on underground wells.

In Boone County, WV, a \$680,000 grant from the ARC is being used to extend waterlines to Julian, WV.

The ARC also has provided the West Virginia Access Center for Higher Education in Bluefield, WV, a \$75,000 grant to help increase the number of high school students who go on to attend college.

Now, I don't think the people who live in Prichard, Glen White, Julian, and Bluefield will claim that the ARC has a questionable track record.

Mr. Chairman, Senator BYRD is the sponsor of a Senate bill to complete construction of the Appalachian Development Highway System. I proudly note that I am the sponsor of the House version of the same bill, H.R. 2381, which is cosponsored by my fellow West Virginian and close friend, Alan Mollohan, and that stalwart ARC supporter from Ohio, my friend Ted Strickland.

I urge my colleagues to remember the ARC as a worthwhile program that has benefited many lives and continues to do so.

Mr. GREEN of Texas. Mr. Chairman, I rise in strong support of the Fiscal Year 2004 Energy and Water Appropriations bill, which brings the Houston Ship Channel project extremely close to completion and provides critical flood relief for residents of the 29th District of Texas.

This bill provides \$33.7 million for the Houston Ship Channel deepening and widening project, which will allow our Nation's second largest port to continue to grow and handle the heavy energy and petrochemical traffic that is necessary for the smooth economic functioning of our nation. The Port of Houston



is home to the single largest petrochemical complex in the country, with a combined capacity to produce nearly 49 percent of the Nation's petrochemical capacity.

By increasing the capability of the Ship Channel to handle newer, larger tankers more safely, Congress will directly increase the energy security of our nation at a time of tumultuous energy markets. If we can obtain an additional \$15 million as this legislation moves forwards, the construction on the Ship Channel can be completed within the fiscal year. The Ship Channel is one of the primary economic engines in my District and throughout Texas, directly providing tens of thousands of jobs in the greater Houston area and many more thousands across the State.

For flood control, this legislation provides \$1 million for flood protection construction work along Hunting Bayou, an urban watershed in East-Central Harris County. During Tropical Storm Allison, the most expensive tropical storm in U.S. history, over 8,000 homes flooded in the Hunting Bayou watershed, which is heavily residential and low to moderate income.

When complete, the \$180 million Hunting Bayou Federal Flood Control Project will reduce the number of structures in the 100-year flood plain in the watershed from 5,500 to 800, and the local sponsor is projected to cover half of the total project cost.

The House Energy and Water Appropriations Act for FY 2004 also provides \$774,000 to complete the General Re-evaluation Review for Greens Bayou, a highly populated, but economically disadvantaged watershed in North Harris County. The lack of flood control protections in this watershed leaves these residents and businesses unprotected and resulted in the flooding of over 15,000 structures during Tropical Storm Allison. The most major channel flooding during the event occurred in the Greens watershed, and we need to get moving and start moving dirt down there as soon as possible.

I offer my deep appreciation to Chairman HOBSON and Ranking Member VISCLOSKEY for their attention and dedication to these critical economic development and flood protection projects for my constituents down in Houston, TX. I hope to work with them as this legislation goes forward, and I urge my colleagues to support the bill.

Mr. NUSSLE. Mr. Chairman, I rise to speak on H.R. 2754, the Energy and Water Development Appropriations bill for fiscal year 2004. This bill, which provides important flood protection, water transportation, energy, and irrigation services across the country is consistent with the House-passed budget resolution and complies with the Congressional Budget Act.

H.R. 2754 provides \$27.080 billion in budget authority and \$27.173 billion in outlays—increases over the previous year's funding levels of \$1.224 billion and \$1.697 in BA and outlays respectively. This bill exceeds the President's request by approximately \$279 million. Over the last 4 years, funding for this appropriations bill has increased at an annual rate of 5.9 percent.

As chairman of the House Budget Committee, I am pleased to report that the bill is consistent with the House Concurrent Resolution on the Budget for fiscal year 2004—H. Con. Res. 95. H.R. 2754 also complies with section 302(f) of the Congressional Budget

Act. Section 302(f), prohibits consideration of bills in excess of a subcommittee's 302(b) allocation.

H.R. 2754 does not contain emergency-designated new BA. The bill does include \$80 million in rescissions of previously enacted BA with \$4 million in related outlays.

In conclusion, I express my support for H.R. 2754 and yield back the balance of my time.

Mr. HOLT. Mr. Chairman, today I rise in support of this appropriations bill and also to highlight the need for increased funding for basic science programs at the Department of Energy.

First, I would like to commend the chair and ranking member of the subcommittee for substantial efforts to add funds in nearly every category of basic energy research to the administration's budget requests.

In particular, I commend the committee for committing \$268.1 million to fusion energy research; \$10.8 million above the administration's budget request and an 8 percent increase over fiscal year 2003 appropriated levels—\$246.9 million.

The \$10.8 million increase this committee worked hard to secure is essential for allowing the United States to fulfill the President's directive of reengaging in the international burning plasma experiment (ITER) and to maintain a strong domestic fusion energy program.

The fusion energy program has made impressive—although generally unrecognized—progress in the past years despite being severely under funded. For example, the energy produced in fusion plasmas in large experiments around the world has outpaced the rate of advance in computer speed during the last 30 years. The people of New Jersey are proud of our leadership role in this important field of science through one of our Nation's premier research institutions, the Princeton Plasma Physics Laboratory (PPPL).

However, substantial hurdles still must be addressed before fusion energy will become a viable commercial energy source, and solving these problems will take significant Federal support. It will be worth the effort and expense. Knowing a great deal about the subject, I am optimistic that the hurdles will be overcome and practical fusion energy will become a reality.

Before coming to Congress, I was the associate director of the PPPL. It is worth noting that during my tenure at the lab, the fusion energy budget reached a high of \$352 million. The committee should be commended for taking a small step in reestablishing such funding levels.

Despite these important incremental increases, I must emphasize that our country's current investment in fusion energy science, and in basic energy research in general, is not nearly sufficient to realize the goal of a zero emissions energy economy, as outlined by Energy Secretary Abraham in introducing DOE's budget request.

Achieving energy independence and a significant reduction in greenhouse gas emissions from the energy sector will take a sustained investment in basic sciences that could lead to clean alternative energy sources.

Mr. Chairman, I commend the committee for making the best of an inadequate budget request, and I urge this committee to continue this trend toward increased support for our basic energy research programs in years to come.

I also want to commend Mr. HOBSON and the committee for reducing funding for study of a new generation of nuclear weapons. Nuclear weapons on the battlefield would be a nightmare, and reasonable battlefield commanders say they would never want them. Nuclear "bunker buster" bombs are flawed in concept and we should not be spending money to pursue them.

Mrs. TAUSCHER. Mr. Chairman, I would like to commend Mr. HOBSON and Ranking Member VISCLOSKEY for offering a strong bill that ensures that the United States continues to have a robust nuclear deterrent and the infrastructure to support it.

As the former ranking member of the Armed Services panel to oversee the National Nuclear Security Administration, I am especially pleased that the committee report highlights the need for the NNSA to focus on its primary mission of maintaining the viability of the existing stockpile.

The committee's cuts in funding for new nuclear weapons and for the robust nuclear earth penetrator are vital steps toward restoring U.S. leadership in fighting the proliferation of weapons of mass destruction.

Indeed, not only does the military not have any requirements for these weapons, but developing them would send a strong signal to other countries that the pursuit of nuclear weapons is legitimate and necessary.

At a time when we are facing a changing security environment it would seem prudent to strengthen the core missions of the nuclear establishment such as our science based stockpile stewardship rather than embark on potentially dangerous new missions that would have a destabilizing effect.

In this regard, I am pleased to see full support for the National Ignition Facility, a key Stockpile Stewardship Program facility which is being built in my district.

Recently NIF brought the first four of its 192 beams online and has demonstrated full power and full performance on those beams. Those four beams now constitute the most powerful laser in the world.

NIF will begin to do experiments to provide data to the Stockpile Stewardship Program this year—while it continues to commission additional laser beams on the path to full facility operation in FY2008.

A critical element of the committee's action is the support for growth in the Experimental Support Technologies, which provide the technologies to use NIF.

I also strongly urge the chairman to work with me and other members of the Armed Services Committee to move forward on the work necessary to refurbish the W-80. The W-80 fills a unique niche in our nuclear deterrent.

The work called for in the budget request will lay the groundwork for improving the safety, security and reliability of the W-80.

It is important that the budget request for the NNSA work on the W-80 be supported so that the production plant work can be effectively managed.

Finally, I am concerned about the language in section 301 mandating that the Department of Energy automatically compete labs that have been managed by a particular contract for more than 50 years.

The decision to chose a given contractor to manage a particular laboratory with its specific needs, is an exceedingly complex one, involving all manner of judgments concerning the

relative value of factors such as the ability of a given contractor to attract and retain the strong technical workforce required to focus on issues of supreme national security importance to our country.

These issues deserves in-depth scrutiny and study, not an automatic competition of the contract. Neither the Department of Defense, NSF or NASA treats its contractors this way, and I am concerned that DOE would be asked to do so.

On the water side, I understand the committee's rationale for not including funding for the CALFED program.

The program must be authorized by Congress this year and I am working with my colleagues from California to advance a comprehensive reauthorization bill this year.

The federal government must be an active partner with California to heal the Delta's ecosystem and prepare for the state's growing population.

I appreciate the committee's hard work and urge a "yes" vote on the bill.

Mr. BEREUTER. Mr. Chairman, this Member would like to commend the distinguished gentleman from Ohio (Mr. HOBSON), the chairman of the Energy and Water Development Appropriations Subcommittee, and the distinguished gentleman from Indiana (Mr. VISCLOSKEY), the ranking member of the subcommittee, for their exceptional work in bringing this bill to the floor.

This Member recognizes that extremely tight budgetary constraints made the job of the subcommittee much more difficult this year. Therefore, the subcommittee is to be commended for its diligence in creating such a fiscally responsible measure. In light of these budgetary pressures, this Member would like to express his appreciation to the subcommittee and formally recognize that the Energy and Water Development appropriations bill for fiscal year 2004 includes funding for several water projects that are of great importance to Nebraska.

This Member greatly appreciates the \$18 million funding level provided for the four-State Missouri River Mitigation Project and hopes that the final funding for FY2004 will be closer to the \$22 million included in the Administration's budget. The funding is needed to restore fish and wildlife habitat lost due to the federally sponsored channelization and stabilization projects of the Pick-Sloan era. The islands, wetlands, and flat floodplains needed to support the wildlife and waterfowl that once lived along the river are gone. An estimated 475,000 acres of habitat in Iowa, Nebraska, Missouri, and Kansas have been lost. Today's fishery resources are estimated to be only one-fifth of those which existed in predevelopment days.

In addition, this measure provides additional funding for flood-related projects of tremendous importance to residents of Nebraska's First Congressional District. Mr. Chairman, flooding in 1993 temporarily closed Interstate 80 and seriously threatened the Lincoln municipal water system which is located along the Platte River near Ashland, Nebraska. Therefore, this Member is extremely pleased that H.R. 2754 continues funding in the amount of \$191,000, the full amount thought necessary, for the Lower Platte River and Tributaries Flood Control Study. This study should help formulate and develop feasible solutions which will alleviate future flood prob-

lems along the Lower Platte River and tributaries.

This Member recognizes that this bill includes \$546,000 for the Sand Creek Watershed project in Saunders County, NE, and \$318,000 for the Western Sarpy-Clear Creek. However, this funding is to be used for preconstruction engineering and design work. This Member believes that it is very important that the final version of the FY2004 Energy and Water Development appropriations legislation include funding for construction of these projects.

Funding for the Sand Creek project is particularly urgent. There is a cooperative effort in Nebraska between the State highway agency and water development agencies which makes this project more cost-effective and feasible. Specifically, the dam for this small reservoir is to be a structure that the Nebraska Department of Roads would construct instead of a bridge as part of the new State expressway in the immediate vicinity of Wahoo, NE. Immediate funding would help ensure that this cost-effective, coordinated effort could continue so that the construction of the expressway will not be further delayed.

Mr. Chairman, this Member very much appreciates the report language which "directs the Secretary of the Army to work closely with the local sponsor on the Sand Creek Environmental Restoration project, accepting advance funds offered by the sponsor, and agreeing to credits and reimbursements, as appropriate, for work done by the sponsor, including work performed in connection with the design and construction of seven upstream detention storage structures."

Another project, the Western-Sarpy-Clear Creek Flood Reduction Project is designed to provide protection to the city of Lincoln's water supply, Interstate 80 and U.S. Highway 6, the Burlington Northern Santa Fe railroad/Amtrak line, telecommunication lines and other public facilities. The project completes and strengthens a levee system, most of which is already in place, to channel water and ice downstream away from the confluence of the Elkhorn and Platte Rivers, which is where major flood problems begin.

On still another important project, this Member is pleased that \$1.5 million in additional construction funding is included for the Antelope Creek project in Lincoln, NE, and also hopes that this funding level will be increased in the final version. The purpose of the project is to implement solutions to multifaceted problems involving the flood control and drainage problems in Antelope Creek as well as existing transportation and safety problems all within the context of broad land use issues. This Member continues to have a strong interest in the project since he was responsible for stimulating the city of Lincoln, the Lower Platte South Natural Resources District, and the University of Nebraska-Lincoln to work jointly and cooperatively with the Army Corps of Engineers to identify an effective flood control system for downtown Lincoln. The Antelope Creek Flood Control Project is a large project and will have a number of phases of right-of-way acquisition and construction.

Finally, this Member notes regrettably that the bill does not include the usual \$260,000 in funding requested for operations and management related to the Missouri National Recreational River Project. This project addresses a serious problem by protecting the river

banks from the extraordinary and excessive erosion rates caused by the sporadic and varying releases from the Gavins Point Dam. These erosion rates are a result of previous work on the river by the Federal Government. This Member believes that the final version of the legislation should include this funding and would appreciate the committee's assistance with the other body on this issue.

Again Mr. Chairman, this Member gratefully commends the distinguished gentleman from Ohio (Mr. HOBSON), the chairman of the Energy and Water Development Appropriations Subcommittee, and the distinguished gentleman from Indiana (Mr. VISCLOSKEY), the ranking member of the subcommittee, for their support of projects which are important to Nebraska and the First Congressional District, as well as the people living in the Missouri River Basin in the four-state region.

Mr. BARTON of Texas. Mr. Chairman, I strongly object to report language regarding regional transmission organization, RTO, matters in the Federal Energy Regulatory Commission, FERC, section of H.R. 2754, the Energy and Water Development Appropriations Act for Fiscal Year 2004. The Committee's report expresses "concerns" regarding the integration of various companies into a regional transmission organization, RTO, pursuant to a specified FERC order. The language also states that the Committee "expects" that the FERC will "require" certain parties to meet specified conditions "before proceeding" with such integration. The language also warns that the Committee "may address" this issue "in more detail" in the conference, "pending receipt" of a status "report" from FERC on this issue. Matters pertaining to the regulation of electric transmission are exclusively within the jurisdiction of the Committee on Energy and Commerce. The Appropriations Committee has no jurisdiction over such FERC activity and should, therefore, not address this matter in conference. FERC should disregard the report language, which has no legal force or effect.

Ms. BERKLEY. Mr. Chairman, today I urge my colleagues to vote for the Udall-Porter amendment. This amendment would strengthen the Department of Energy's renewable energy research programs, and would work toward decreasing our Nation's dependence of foreign sources for energy.

Renewable energy is vital to America's future. By boosting renewable energy, we are working toward bringing down energy costs, creating a consistent and reliable source of energy, improving other environment and public health, increasing our role in the global renewable energy market, and reducing our vulnerability to terrorism. Nuclear power, by contrast, has left us buried under thousands of tons of radioactive waste. The proposed Yucca Mountain repository, hundreds and thousands of miles from reactor sites, has been marked to house this waste, but transporting and storing nuclear waste creates potential targets for terrorism, leaving our Nation at risk.

We need to invest more funds to help our Nation's renewable power industry grow. This proposal would overcome many of the financial hurdles encountered with renewable energy research. Geothermal energy, a highly accessible form of renewable energy, has shown little growth in the U.S. during the past decade compared to other nations. With more

funding, this could change—we could create a boom in the geothermal energy industry. With the help of financing, just last year the solar power business grew by 60 percent to \$500 million. Wind plants in 27 States produced enough energy to serve more than 1.3 million households.

The State of Nevada has been cited as a “highly favorable” State to develop renewable energy. It is blessed with natural energy resources. The numerous mountain ranges, bordered by underground faults, are sources for geothermal energy. The Department of the Interior has listed 10 sites in Nevada that could produce geothermal energy in the next 2 years. Each of these sites is located near transportation lines, which could transmit energy to other markets. Geothermal power provides the Nation with about 17 percent of the renewable energy, but is less than 0.75 percent of the Nation's total energy supply.

Solar energy generated from the sunlight of Southern Nevada, on a 100-square-mile grid alone, could supply enough electricity to power the rest of the United States. Wind power has the potential to produce twice as much electricity as nuclear energy. Currently, not even counting solar power, Nevada could produce 27 percent more from renewable resources. This energy could be exported to other States, creating more jobs and economic benefit to Nevada.

Instead of investing funds into the Nuclear Waste Disposal Program, we should be endowing the Renewable Energy Program with funding to expand research and development. Money should be invested in cleaner forms of energy, not problem-ridden projects like Yucca Mountain that create potential risks to our communities. We must look ahead into the future of energy. Renewable energy is beneficial for people and the environment. With this I ask you to vote for the Udall-Porter amendment.

Mr. FRELINGHUYSEN. Mr. Chairman, I thank the gentleman for yielding and I ask unanimous consent to review and extend my remarks.

Mr. Chairman, I rise today in support of this year's Energy and Water Appropriation's bill.

Before I run through the many reasons for my strong support of this legislation, I would like to thank and recognize the distinguished Chairman of the Energy and Water Appropriations Subcommittee, Representative DAVID HOBSON, who has provided strong leadership and direction, while putting together a responsible and bipartisan bill.

I would like to also thank ranking member VISCLOSKEY for his bipartisan spirit in helping to put this bill together, and the Energy and Water Subcommittee staff who all put in so much time and effort meeting with each member.

For more than 170 years, the Federal Government has worked in partnership with our States and local communities to provide solutions to critical flooding, dredging, and environmental problems, as well as beach and shore protection. This year is no exception. In fact, the gentleman from Ohio has produced a bill that ensures our Nation's continued commitment to work in partnership with our States and local municipalities to address these vital needs. In my home State of New Jersey, these projects have kept our Port of New York and New Jersey open for business, and prepared us for a future with bigger ships, and

most importantly, keeping President Bush's commitment that our port continue to serve our nation and our national security and economic needs.

I would again like to thank the Chairman for his strong support for dredging the New York/New Jersey Port.

In addition, this bill helps keep the 127 miles of New Jersey Beach open to visitors from all over the country. As a direct result, over 30 billion dollars are infused into New Jersey's economy each summer, and over 800,000 people are employed.

In an effort to protect New Jerseyans, their homes, and their businesses from the destruction and devastation of flooding, this bill also provides the framework and the funding to purchase wetlands for natural storage areas, and to work with the local governments in Morris, Somerset, and Essex Counties to develop long-term solutions to these re-occurring floods.

This bill also funds the Department of Energy, where funding has been focused on core programs, which can truly make a difference. I am quite pleased that Chairman HOBSON has made the Nuclear Waste Program one of his highest energy priorities. The Chairman's mark provides a total of \$765 million for nuclear waste disposal, an increase of \$174 million over the budget request and \$308 million more than fiscal year 2003. These additional funds are provided to enable the Department to open the Yucca Mountain repository on schedule in 2010, which will help communities all around the country where nuclear waste is stored on a “temporary” basis.

I would again like to thank Chairman HOBSON for supporting DOE's Fusion Energy Sciences program with over 268 million dollars, nearly \$11 million over the President's budget. These are critical dollars which will allow America to participate in the International Thermonuclear Experimental Reactor, ITER, while simultaneously allowing the domestic fusion community to prosper at places like New Jersey's Princeton Plasma Physics Laboratory, a Department of Energy laboratory.

Fusion energy is a future source of clean and limitless energy. More importantly, this energy source will make us less dependent on foreign oil and fossil fuels.

Mr. Chairman, for all these reasons, I urge my colleagues to support this bill.

Mr. MATHESON. Mr. Chairman, I strongly oppose the Advance Weapons Concepts funding in this appropriations bill. While I was pleased to see that the Energy and Water Appropriators chose to reduce funding for the “Robust Nuclear Earth Penetrator,” I am still concerned that this bill provides \$5 million for the weapon.

We live in an era when terrorism and national security concerns dominate the political landscape, as well they should. No one is arguing about the need to find new technologies with which our Nation can combat deeply buried targets, particularly those held by terrorists. Supporters of the Robust Nuclear Earth Penetrator, argue that the current funding is strictly limited to weapons research and development in Department of Energy labs.

This claim ignores the obvious end result of such funding—weapons design does not occur in a vacuum. In order for our soldiers to use nuclear weapons in combat, these weapons must first be physically tested, most likely at

the Nevada Test Site. The Federal Government's poor record on weapons testing and containment of fallout is lengthy and disappointing, at best.

I have already seen too many Americans succumb to then-unforeseen consequences of nuclear weapons. The price of new usable nuclear weaponry is too high for this great Nation, once again, and I reiterate my opposition to the advance weapons concepts funding.

Ms. BERKLEY. Mr. Chairman, due to a family emergency, I am unable to be here today for the debate on the Energy and Water Appropriations bill. I want to express my strong opposition to the language in the bill regarding the Nuclear Waste Disposal Account.

The House Appropriations Committee on Energy and Water has allocated a total of \$765 million for FY 2004 for the Yucca Mountain Project and nuclear waste disposal. This represents an increase of 67 percent above current spending levels and \$174 million more than the Energy Department's request for FY 2004. Appropriating such a massive increase in funds for a project that has yet to be licensed by the Nuclear Regulatory Commission is unconscionable.

I would like to bring to your attention several outstanding issues that cloud the future of the problem-ridden Yucca Mountain Project.

Key scientific issues surrounding the Yucca Mountain project remain unresolved. Sound science on the long-term viability of a deep geologic burial site for 77,000 tons of high-level nuclear waste has yet to be produced. The Department of Energy continues to struggle to address the nearly 200 outstanding “key technical issues” concerning the repository. Numerous scientific reports highlight the potential shortcomings of the current plan, including a lack of comprehensive performance tests on the man-made storage casks, the presence of significant seismic activity at the proposed site, and incomplete data on the effects of the waste on the surrounding communities. Additionally, questions regarding the reliability of computer models in evaluating risks posed by long-term waste storage at the Yucca site remain unanswered.

Some have stated that only the people in Nevada have a problem with Yucca Mountain. Proponents of the Yucca Mountain nuclear dump site claim that it's needed to address security concerns at 131 nuclear reactor sites. But this simply is not the case. Even if the Department of Energy receives a license to construct the repository at Yucca Mountain, operating nuclear reactors will always have nuclear waste on-site. As long as a nuclear power plant is in operation, it will produce hot, radioactive, spent nuclear fuel. The fuel must be cooled on-site for 5 to 10 years before it can be moved. Therefore, even as older fuel is shipped to a repository, huge amounts of nuclear waste will remain at those 131 sites.

Shipping nuclear waste to Yucca Mountain will not make these reactors any safer. On the contrary, it will create another potential terrorist target in Nevada. In addition, it will also create thousands of mobile targets traveling through 43 States and as many as 360 congressional districts for more than 30 years. However, if approved, 77,000 tons of high-level nuclear waste would be transported from 131 sites across the United States through 43 states, and perhaps as many as 360 Congressional districts, for the next 30 to 40 years, equaling a total of over 100,000 shipments of

nuclear waste. Nuclear waste shipments will pass within miles of our homes, schools, and hospitals. In fact, one-in-seven Americans, 38 million people, live within one mile of a proposed transportation route. At every stage of transportation, from rail and truck transfers to storage depots, to the actual repository, a devastating terrorist attack could result in massive civilian casualties, severe economic disruption, and long-lasting environmental contamination.

Finally, I would like to address the language in the report that addresses "early acceptance" of nuclear waste at Yucca Mountain. Sound science has not proven that Yucca Mountain is a safe repository for nuclear waste storage. There have been promises made to Nevadans that no waste would be shipped before it was proven to be safe. I would urge the Department of Energy to ensure this is the case before there is any discussion of early acceptance.

Mr. LATHAM. Mr. Chairman, I rise in support of this bill, and urge my colleagues to support it. Given our allocation, the Majority and Minority have worked well together to fashion a workable measure. I also want to compliment the Chairman on a job well-done.

I am particularly interested in this bill because of the funding it provides to the Corps of Engineers for activities on our navigable waterways. In our agriculture communities, the transportation provided by these waterways is extremely important to cost-efficient and timely grain shipments. That said, it is important for my constituents—farmers and consumers alike—to have well-operated and well-maintained waterway systems on the Mississippi and Missouri Rivers.

As part of our efforts to keep our waterways in good working order, we have funded the Upper Mississippi River Navigation Study. This study is a comprehensive review of the needs of the Mississippi transportation system and will provide us reliable data about the efficiencies of this critical waterway.

We have also funded the Mississippi River Comprehensive Plan, an initiative aimed at improving flood protection, mitigating flood damage, and enhancing habitat management and erosion control.

Other Corps funding with respect to navigation that is important to Iowa's farmers and grain shippers pertains to the operation and maintenance of the dams and locks along the Mississippi and Missouri Rivers. These activities are important because without proper operation of these locks and dams, much of our food production system suffers economically because of costly delays in the movement of grains and other agricultural products.

Overall, though the Corps funding is less than I would like to see it, I do believe that we have done a good job in dividing up the monies so the Corps can do the things that it does best. For this reason and others important to my State, I am going to support passage and I urge my colleagues to do likewise.

Mr. PORTER. Mr. Chairman, I rise today to voice my extreme opposition to H.R. 2754, the FY 2004 Energy and Water Appropriations bill that unfairly targets my home State of Nevada, a State with no nuclear reactors, as the final destination for 77,000 tons of high-level nuclear waste produced by the U.S. commercial nuclear utilities, most of which are located in the East.

This bill tramples on decades of environmental policy, ignores public health and safe-

ty, and exposes the American taxpayer to billions of dollars in costs to solve the private industry's waste problem.

H.R. 2754 contains some features that serve the general good of the United States, such as flood control and renewable energy research.

Unfortunately, they are dwarfed by the bill's massive funding for the Yucca Mountain Nuclear storage facility.

This bill increases funding for the site by more than 29 percent, even though it has yet to be licensed by the Nuclear Regulatory Commission.

At a time when our budget must meet the challenges of providing economic growth and security against terror, I urge my colleagues to reject this bill that over funds an unnecessary, unsafe, and unapproved nuclear repository at Yucca Mountain.

Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the order of the House of the legislative day of Thursday, July 17, 2003, the bill shall be considered for amendment under the 5-minute rule and the amendment designated in the order of the House of that day is adopted.

□ 0930

During consideration of the bill for further amendment, the Chair may accord priority in recognition to a Member offering an amendment that has been printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Clerk will read.

The Clerk read as follows:

H.R. 2754

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2004, for energy and water development, and for other purposes, namely:

#### TITLE I

#### DEPARTMENT OF DEFENSE—CIVIL

#### DEPARTMENT OF THE ARMY

#### CORPS OF ENGINEERS—CIVIL

The following appropriations shall be expended under the direction of the Secretary of the Army and the supervision of the Chief of Engineers for authorized civil functions of the Department of the Army pertaining to rivers and harbors, flood control, shore protection, aquatic ecosystem restoration, and related purposes.

#### GENERAL INVESTIGATIONS

For expenses necessary for the collection and study of basic information pertaining to river and harbor, flood control, shore protection, aquatic ecosystem restoration, and related projects, restudy of authorized projects, miscellaneous investigations, and, when authorized by law, surveys and detailed studies and plans and specifications of projects prior to construction, \$117,788,000, to remain available until expended: *Provided*, That for the Ohio Riverfront, Cincinnati, Ohio, project, the cost of planning and design undertaken by non-Federal interests shall be credited toward the non-Federal share of project design costs.

AMENDMENT NO. 3 OFFERED BY MR. DEFAZIO

Mr. DEFAZIO. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. DEFAZIO: Page 2, line 18, after the dollar amount insert "(reduced by \$17,788,000)".

Page 5, line 15, after the dollar amount insert "(increased by \$17,788,000)".

Mr. HOBSON. Mr. Chairman, I reserve a point of order against the amendment.

The CHAIRMAN. The gentleman reserves a point of order.

Mr. DEFAZIO. Mr. Chairman, I do not rise to offer this amendment because I believe that the General Investigations Account is overfunded. In fact, I believe the entire Corps budget is way underfunded when we look at the real infrastructure needs of the United States. I appreciate the fact that the committee and the House have found \$288 million more than the President proposed, but it is still \$156 million less than last year, and all across the country we have locks and dams and jetties failing.

In particular, in my own district we have a dam at Fern Ridge which is more than 50 years old which is on the verge of catastrophic failure. The Corps has lowered the level of water behind the dam. They say that at any moment they may have to dewater the reservoir. And when the reservoir is dewatered, we lose both the extraordinary recreation benefits of one of the most heavily recreated lakes in Oregon, the revenues that flow from that recreation, but we also lose the flood control. And just a few years ago this dam was vital when we had a wet winter, and they are now predicting that we again are going to have a wet winter. So if the dam just fails a little bit more, we are going to lose all the flood control capability and all of the recreational attributes, and the Corps of my region says they just will not have the money until the year 2006 to fix this dam.

That is not acceptable. We cannot have dams that are failing and say, come back in 3 years and, by the way, if they have a 100-year flood in the interim, they are out of luck. We will have hundreds of millions of downstream damage, and I guess then Federal flood insurance will pay for it out of a different pocket than the pocket out of which we are appropriating this bill.

So my intention in offering this amendment is not to criticize the committee or the Corps or any of these budgets, but to raise the point that the O&M Account, which goes to issues like the failing Fern Ridge Dam, goes to the dredging of the small ports along the southern Oregon coast, is woefully underfunded.

I also understand that a point of order may lie against this amendment.

Mr. HOBSON. Mr. Chairman, will the gentleman yield?

Mr. DEFAZIO. I yield to the gentleman from Ohio.

Mr. HOBSON. Mr. Chairman, I very much appreciate the gentleman yielding to me, and I want him to know that I am aware of the needs of his district and many others around the country, frankly. In my prepared remarks, which I did not give today, I list some problems. The Operation and Maintenance backlog is nearly \$1 billion and growing every year, and I talk about that. I also talk about the fact that OMB has got to work with us on a long-term basis because every year we go on, this aging infrastructure, we need to make an investment, and I want to make that investment.

And what I am going to try to do in this bill, and this is my first time doing this, and I have a very able ranking member, when we sit down with the other body in conference, I am going to try to increase the money available for Operation and Maintenance, and I will try very hard to get the OMB to work with us to be more realistic in the future about this, because I do not think it is realistic. We need to help the Corps of Engineers so that we do not make so many hard choices in support of our economic, environmental and recreational infrastructure.

I want to assure the gentleman and everybody else in here we have got a real problem here. This affects our economy. We have to maintain these facilities and make sure they are up to date because it has a detrimental effect on our economy and on our environment. And I would appreciate if the gentleman would withdraw his amendment, but I want him to know I am very sincere about trying to get this account up not only now, but in the future.

Mr. DEFAZIO. Mr. Chairman, I thank the gentleman for his words, and I thank him for his work on this and also his desire to increase the funding. I share that. I intend to support the bill here today on the floor because it does at least partially fund these needs, and I will certainly support a bill that comes back from conference which does better in these areas.

Mr. VISCLOSKEY. Mr. Chairman, will the gentleman yield?

Mr. DEFAZIO. I yield to the gentleman from Indiana.

Mr. VISCLOSKEY. Mr. Chairman, I would to add my remarks to the chairman's, and I pointed out in full committee when we marked this bill up, and, again, it is not a failure of the subcommittee that the high-priority Operation and Maintenance budget for the Corps during the current fiscal year is \$884 million behind. For this coming fiscal year that is going to climb to \$1 billion. Additionally, non-high-priority Operation and Maintenance backlog is \$1.9 billion and more clearly has to be done, and we will do our best in conference.

Mr. DEFAZIO. Mr. Chairman, I thank both the gentleman for their efforts, and I will do all I can to support those enhancements.

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Oregon?

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

#### CONSTRUCTION, GENERAL

For the prosecution of river and harbor, flood control, shore protection, aquatic ecosystem restoration, and related projects authorized by law; and detailed studies, and plans and specifications, of projects authorized or made eligible for selection by law, \$1,642,911,000, to remain available until expended, of which such sums as are necessary to cover the Federal share of construction costs for facilities under the Dredged Material Disposal Facilities program shall be derived from the Harbor Maintenance Trust Fund; and of which such sums as are necessary to cover one-half of the costs of construction and rehabilitation of inland waterways projects (including rehabilitation costs for the Lock and Dam 11, Mississippi River, Iowa; Lock and Dam 24, Mississippi River, Illinois and Missouri; and Lock and Dam 3, Mississippi River, Minnesota, projects) shall be derived from the Inland Waterways Trust Fund: *Provided*, That the Secretary of the Army, acting through the Chief of Engineers, is directed to proceed with the construction of the New York and New Jersey Harbor project, 50-foot deepening element, upon execution of the Project Cooperation Agreement: *Provided further*, That no funds made available under this Act or any other Act for any fiscal year may be used by the Secretary of the Army to carry out the construction of the Port Jersey element of the New York and New Jersey Harbor or reimbursement to the Local Sponsor for the construction of the Port Jersey element until commitments for construction of container handling facilities are obtained from the non-Federal sponsor for a second user along the Port Jersey element: *Provided further*, That funds appropriated in this Act for the preservation and restoration of the Florida Everglades shall be made available for expenditure unless (1) the Secretary of the Army, not later than 30 days after the date of enactment of this Act, transmits to the State of Florida and the Committees on Appropriations of the House of Representatives and the Senate a report containing a finding and supporting materials indicating that the waters entering the A.R.M. Loxahatchee National Wildlife Refuge and Everglades National Park do not meet the water quality requirements set forth in the Consent Decree entered in *United States v. South Florida Water Management District*, (2) The State fails to submit a satisfactory plan to bring the waters into compliance with the water quality requirements within 45 days of the date of the report, (3) the Secretary transmits to the State and the Committees a follow-up report containing a finding that the State has not submitted such a plan, and (4) either the Committee on Appropriations of the House of Representatives or the Senate issues a written notice disapproving of further expenditure of the funds: *Provided further*, That the Secretary of the Army shall provide the State of Florida with notice and an opportunity to respond to any determination of the Secretary under the preceding proviso before the determination becomes final.

AMENDMENT OFFERED BY MR. ANDREWS

Mr. ANDREWS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ANDREWS:

Page 3, line 6, after the dollar amount, insert the following: "(reduced by \$7,700,000)".

Mr. HOBSON. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto be limited to 20 minutes with the time to be equally divided between the proponent of the amendment and a Member opposed.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. ANDREWS. Mr. Chairman, I ask unanimous consent to control the 10 minutes on the amendment with the permission to yield.

The CHAIRMAN. Is there objection to the gentleman from New Jersey?

There was no objection.

Mr. ANDREWS. Mr. Chairman, I yield myself such time as I may consume.

I want to thank the chairman and ranking member for agreeing to the time limitation in the interest in getting all the Members home today.

I express my appreciation to the gentleman from Delaware (Mr. CASTLE), the gentleman from Oregon (Mr. BLUMENAUER), the gentleman from Ohio (Mr. CHABOT) and the gentleman from California (Mr. SCHIFF) for their support of this amendment.

I want to talk about why we are here and why I would urge Members to support the amendment. This is a project about deepening the Delaware River from its present 40-foot depth to a 45-foot depth. There has been intense controversy about this issue for a very long time. In June 2002, the General Accounting Office at the request of Members of this House and the other body released a study of this project which concluded that contrary to the legal requirement that there be at least a dollar of benefit for every dollar invested, that, in fact, in this project there are only 49 cents of value for every dollar that is invested. The GAO described the project as unsustainable under the rules that govern the Army Corps of Engineers.

Late in 2002, the Army Corps of Engineers recalculated its assessment of the project and not surprisingly concluded that the benefits did outweigh the costs. We have looked very carefully at that reassessment and commissioned an independent study by Dr. Sterns, who is the former Deputy Assistant Secretary for Civil Works of the Army, and his conclusion I will read as follows: "Considering that the Army Corps has already spent more than \$20 million studying this project and yet many serious concerns remain, it is unlikely that any new deepening project for the Delaware River of similar scope can ever be justified. We recommend that Congress deauthorize the Main Channel Deepening Project for the Delaware River rather than wasting any more taxpayer funds to study an inherently flawed proposal."

Responding to that conclusion, the administration in its budget request

asked for \$300,000 for this project, \$300,000. The committee has increased that amount to \$8 million. The purpose of this amendment is to reduce that appropriation from the \$8 million submitted by the committee to the \$300,000 requested by the administration.

There are four reasons why Members should support this amendment. The first is it is a waste of money. As the GAO concluded, for every dollar that our constituents put into this project, we can expect only 50 cents' worth of return.

The second reason that Members should support this amendment is that it is wholly consistent with the very desirable goal of protecting jobs in the ports and, in fact, growing jobs at the ports. In our region there is strong disagreement about the merits of this project, but there is unanimity over the goal of expanding port development. With the 40-foot channel, the port that is affected by this amendment has experienced considerable growth in the last 10 years. For example, since 1990 container traffic at the port of Philadelphia and Camden has tripled with the 40-foot channel. It is estimated that the main source of growth in global container trade will be the Panamax class ships. That trade is expected to triple by the year 2010. Panamax class ships as a rule require less than a 40-foot draft. So dredging this channel to 45 feet is not necessary for growth of the port, and there is strong feeling throughout the region that we can grow without that.

Third reason are environmental concerns. The Delaware Environmental Department and the New Jersey Environmental Department have not issued the permits that are necessary for this project to go forward. There are substantial reasons for this. There are questions about the stirring up of generations of chemicals and potential toxins that lie in the river. There are questions about lack of compliance with the Clean Air Act. There are questions about the effect of this project on the salt line's progress north in the River and its effect on various plant, aquatic, and obviously human life. Environmentally this project is flawed. This is the reason why American rivers, Environmental Defense, Friends of the Earth, the League of Conservation Voters, the National Wildlife Federation, the Sierra Club, and the U.S. Public Interest Research Group support this amendment.

Fourth, and another important reason, is the lack of local support for this amendment. We are being asked over the course of this project to commit well in excess of \$200 million from the Federal Treasury. There is a requirement that well in excess of \$100 million of local match be generated from local sources. In this project the local source is a port authority called the Delaware River Port Authority. The Delaware River Port Authority is governed in such a way that there must be agreement from the New Jersey commis-

sioners on the one side of the River and the Pennsylvania commissioners on the other side of the river. There must be a majority of both sides before a decision can be made.

I will be entering into the RECORD at an appropriate time a letter from the vice chairman of the Port Authority, the leader of the New Jersey delegation to the Port Authority, which includes the following language: "I will not support the Delaware River Deepening Project as currently proposed. I intend to urge the New Jersey delegation to reject any disbursement of Delaware River Port Authority funds for this project as currently proposed. I believe that the project will pose a serious environmental risk to the communities in South Jersey. Further, critical questions relating to the economic benefit of this project remain unanswered." It is signed by Jeffrey Nash, who is the vice chairman of the Delaware Port Authority.

So, Mr. Chairman, there are four good reasons to vote yes on this amendment. First of all, the project is a waste of money. Read the GAO report. Second, it is not necessary to serve the very viable and broadly held goal of developing jobs at the port. Third, there are serious environmental questions, which is why groups like the League of Conservation Voters support the amendment. And, finally, the local match that is required to make this project go is in serious jeopardy because the New Jersey commissioners who would be required to support the local match have just gone on record as saying they will not.

DELAWARE RIVER PORT AUTHORITY,  
Camden, NJ, July 17, 2003.

Hon. ROBERT ANDREWS,  
U.S. Congress, Rayburn House Office Building,  
Washington, DC.

[Re: Delaware River Deepening Project]

DEAR CONGRESSMAN ANDREWS: As the Vice Chairman of the Delaware River Port Authority, heading the New Jersey State Delegation to that Authority, I write to inform you that I will not support the Delaware River Deepening Project as currently proposed. I intend to urge the New Jersey Delegation to reject any disbursement of Delaware River Port Authority funds for this project as currently proposed. I believe that the project will pose a serious environmental risk to the communities in South Jersey. Further, critical questions relating to the economic benefit of this project remain unanswered.

As you have reported, we have a particular concern over the disparate burden placed upon South Jersey by the Army Corp of Engineers given their plan to dispose the majority of potentially toxic spoils on unidentified sites. In addition to our environmental and economic concerns, we vigorously object to this dredge disposal plan and, therefore, cannot offer our support for this project.

I understand that the Appropriations Committee in the House of Representatives intends to appropriate 8 million dollars toward this project despite President Bush's request to essentially eliminate its funding. I also recognize that any federal funding for this project is contingent upon a propositional match by local governmental entities. I am writing to notify you and fellow members of Congress that Delaware River Port Author-

ity funding is seriously in doubt given New Jersey's concern as set forth herein.

Our goal is to pursue a Port Development Plan that accentuates our assets: location, a superior work force, and excellent intermodal facilities. We are confident that we will protect the many jobs based at the port and add considerably to the economic engine without the environmental risk of the proposed dredging project.

The Delaware River Port Authority is committed to improve the South Jersey and Philadelphia region by engaging in economic development projects that hope to benefit the region by creating new jobs, improving the quality of life of the region, and revitalizing the local economy. Based upon several studies including a report by the General Accounting Office, I have concluded that this project does not meet with our mission. I have based my determination on the fact that this project poses significant environmental risk as well as numerous quality of life issues to the community in our region.

We look forward to working with our colleagues at the Delaware River Port Authority, and in the port communities of New Jersey and Pennsylvania, to develop a viable Port Development Plan.

Sincerely,

JEFFREY L. NASH,  
Vice Chairman.

Mr. Chairman, I yield such time as he may consume to the gentleman from Delaware (Mr. CASTLE).

Mr. CASTLE. Mr. Chairman, I thank the gentleman for yielding me this time.

I realize there is a very limited time here. I would like to reiterate what the gentleman has stated and then make it plain. The Delaware River basically serves three States in terms of what we would do here in deepening that river, Delaware, New Jersey and Pennsylvania.

□ 0945

New Jersey is adamantly opposed to this. Delaware has serious questions about it. We have just gotten all of our reviews in. We have not even approved this yet. In fact, it is very doubtful if it is going to be approved in the State of Delaware. It is almost certain that this money cannot be spent in the course of this year. Pennsylvania has been adamantly for this.

There are tremendous environmental questions that are being asked, but there are also significant economic questions which are being asked, such as who benefits from this and, in fact, whether there is a cost benefit that is remotely close to what the Army Corps came up with originally.

I think to appropriate this full amount is wrong. We are not asking to close it out all together, but to reduce the amount of money that is involved here so that we can continue the necessary process to see if in another year we should be going forward with it.

But this, frankly, is just a waste of money. This is something Congress should not be doing at this time in terms of putting additional money in it. My judgment is that the amendment makes all the sense in the world, and I strongly endorse it.

Mr. Chairman, I reserve the balance of my time.



Mr. HOBSON. Mr. Chairman, I rise in opposition to the amendment, and I yield myself such time as I may consume.

The deepening of the Delaware River is considered by many to be vital to the future of commerce in the northeast. The Corps of Engineers believes that it is an economically viable project. It was authorized in 1992. They have already spent more than \$17 million to date on its study and design.

The ranking member, the gentleman from Indiana (Mr. VISCLOSKY), and I have been contacted by the Governor of Pennsylvania, the Honorable Ed Rendell, who urged us to oppose any amendment to reduce the level of funding for this project. His letter contains a long list of labor and business interests who are in strong support of this project which he calls "essential to maintaining a competitive port."

Therefore, I am opposed to the amendment.

Mr. Chairman, I ask unanimous consent to yield the balance of my time for his control to my ranking member, the gentleman from Indiana (Mr. VISCLOSKY).

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. VISCLOSKY. Mr. Chairman, I appreciate the chairman yielding me his time, and I yield myself such time as I may consume.

I too am opposed to the Andrews amendment. I have a great deal of respect for the gentleman, but I disagree with him on the policy of this amendment.

Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania (Mr. HOEFFEL).

Mr. HOEFFEL. Mr. Chairman, I thank the gentleman for yielding.

There is nobody in this House I respect more than the gentleman from New Jersey (Mr. ANDREWS). But I disagree with him completely on his amendment, and I rise in strong opposition.

The gentleman talks about four points. I would like to rebut them. He says that the deepening of the channel for the Port of Philadelphia from 40 feet to 45 feet would be a waste of money. That is not true. The Army Corps of Engineers has studied this matter twice. The first study said there would be \$1.40 of benefit for every dollar of investment to deepen the channel. That was challenged by the GAO, as the gentleman has suggested. The Army Corps reanalyzed and came back with an economic analysis of a benefit of \$1.18 for every dollar of investment. That is the current status. It is not a waste of money; it will help the Port of Philadelphia and the Philadelphia region to deepen the channel to 45 feet.

The second point is the gentleman suggested a 40-foot channel is adequate and that we do not need to lower the channel, and he is simply wrong. Big,

modern ships cannot come to the Delaware River to the Port of Philadelphia if it stays only at a 40-foot depth. It must be deepened to 45 to stay competitive with all of the other ports up and down the Mid-Atlantic. It is necessary to deepen the channel.

Thirdly, the gentleman suggested there is environmental damage by the deepening. Well, that has been debunked and refuted by seven State and Federal agencies that have found no adverse impact on the environment. The Federal Environmental Protection Agency, U.S. Geological Survey, U.S. Fish and Wildlife Service, and the National Marine Fisheries Service have all found no adverse environmental impact; and the environmental agencies of Delaware, New Jersey, and Pennsylvania have found no adverse environmental impact.

The final point that the gentleman made is that there is a lack of local support. Nothing could be further from the truth. As we will hear from the gentleman from Philadelphia, Pennsylvania (Mr. BRADY), there is unanimous support from the governments, from the labor unions, from the businesses. The only, only business opposed to deepening the channel is the littering companies in the area that benefit from a shallow channel so ships come off port, have to unload their material, and smaller ships from the littering companies take it up the river. Those are the people leading the opposition to this.

Philadelphia needs a deeper channel. It is good for the economy. We have to do it to protect jobs. We have to do it to stay competitive. I oppose the amendment.

Mr. VISCLOSKY. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania (Mr. BRADY).

Mr. BRADY of Pennsylvania. Mr. Chairman, I thank my ranking member for yielding me this time.

Mr. Chairman, I rise in support of an economically strong Port of Philadelphia. Through the efforts of our former colleague, Bob Borski, Congress authorized the funding for this project in 1992.

Mr. Chairman, the Port of Philadelphia needs to go 45 feet because of a trend towards bigger ships. We talk about waste. Deepening this channel brings 45,000 direct jobs created by port traffic, and it will be severely affected if this amendment goes through. I do not think that that is waste.

Mr. Chairman, the Port of Philadelphia is also a strategic military port. We have two large military transport ships ported in Philadelphia. We have to guarantee clear access to the sea in case of a national emergency. That is why 12,000 labor, business, and community groups support it; and that is why our Governor, who also chairs the Delaware Port Authority, which my colleague mentioned, he is the chairman of that agency, also agrees and also sent a letter supporting it.

Finally, the project is environmentally safe. EPA, U.S. Fish and

Wildlife Service, and the U.S. Geological Survey approved it. Each State environmental protection agency in the region has approved it.

Each State environmental protection agency in the region has approved it. The dredge material is considered safe and will be used for beach, wetlands restoration, and filling abandoned mines in Pennsylvania.

Now, the gentleman in New Jersey (Mr. ANDREWS) is my dear friend and there are two things that separate us, the Delaware River and whether or not to dredge it or not. I do not stand here against the gentleman from New Jersey (Mr. ANDREWS) or the gentleman from Delaware (Mr. CASTLE), but I do stand against their amendment.

Mr. Chairman, Congress rejected this amendment 3 years ago. We should do the same today. I would like my colleagues to reject this amendment.

Mr. VISCLOSKY. Mr. Chairman, I do not have any other requests for time, and I yield back the balance of my time.

Mr. ANDREWS. Mr. Chairman, I yield 90 seconds to the gentleman from Delaware (Mr. CASTLE).

Mr. CASTLE. Mr. Chairman, I thank the gentleman for yielding me this time.

Let me just reiterate. We are all friends, we are neighbors; and, in most cases, we are together on these various issues. But I must say that it concerns me a great deal that there are two States out of three which are affected here that are very much concerned about going ahead with this project at this time. New Jersey is in adamant opposition to it, has been from the beginning.

The gentleman from New Jersey (Mr. ANDREWS) has done a wonderful job of requesting additional economic studies. GAO looked at this and found that the cost ratios are not \$1.18, but 49 to 50 cents on the dollar. That is highly inefficient for going ahead with a project such as this.

We in Delaware have still not given approval to this, either for economic or environmental reasons. There is a great deal of opposition in Delaware as well. We do not have anyone other than the port of Wilmington who believes that they may benefit from this. The oil companies who are involved in this, and there are six of them, I believe, along the Delaware River north of Delaware who would benefit from it, have not been willing to show any evidence of expanding their channels. If they do not do that, then it is of no advantage to them. So perhaps the Port of Philadelphia would benefit, and maybe this will go ahead.

All we are asking for, frankly, is time to see if it should go ahead, and they have to work out a lot of problems between now and, say, a year from now before that can happen.

But I would plead to the Members of Congress that the two States are being rather adversely impacted that are raising serious questions about this,

and I think that we should revert to the smaller amount of money which is used to keep the studies going, but not to have the project go ahead.

There is a lot more that could be said. We do not have the time to say it all today, except to say there is a lot of economic speculation about this, and we think it is wrong.

Mr. ANDREWS. Mr. Chairman, I yield myself the remaining time.

We have great respect for our friends, but we have great respect for the facts. The fact is that GAO had the last word. They say the project is a waste of money. The fact is the environmental agencies of New Jersey and Delaware have not permitted this. The fact is with respect to the local match, the New Jersey people will not put up the match. The project should not be funded. We respectfully ask everyone to vote "yes" on the amendment.

Mr. FRELINGHUYSEN. Mr. Chairman, I rise in opposition to Mr. ANDREWS' Amendment.

The Delaware River Main Channel Deepening project is designed to keep the Delaware River Ports competitive with other east coast ports, all of which have dredged or are planning to dredge their channels deeper than 40 feet. Major Shipping lines have informed the ports that their next generation ships will require deeper channels. Unless these ports can go to 45 feet they will be at a competitive disadvantage with their sister ports for the expected growth of international trade.

In addition to the competitive advantage this project will provide the region, it provides much needed jobs. Over 75,000 jobs are attributable to the port industry in the Delaware Valley.

Moreover, the Delaware River Port has been designated as a military strategic port. The Port of Philadelphia has been selected as a Strategic Seaport for the Northeast Corridor of the United States. Philadelphia's selection means the Department of Defense will incorporate the use of the city's port facilities in its planning for the movement of military cargoes in the event of major contingency operations. Selection of the Pennsylvania port was made jointly by the U.S. Maritime Administration, U.S. Army Forces Command, and the Military Traffic Management Command after an assessment of many Northeast Corridor ports. Philadelphia becomes the country's 14th commercial Strategic Seaport. Designation as a Strategic Seaport creates the potential for Department of Defense cargo shipments in support of contingencies.

Mr. Chairman, for all of these reasons, I urge my colleagues to oppose this amendment and support the underlying bill.

Mr. ANDREWS. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered of the gentleman from New Jersey (Mr. ANDREWS).

The question was taken; and the Chairman announced that the ayes appeared to have it.

#### RECORDED VOTE

Mr. ANDREWS. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gen-

tleman from New Jersey (Mr. ANDREWS) will be postponed.

The CHAIRMAN. The Clerk will read. The Clerk read as follows:

#### FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES

ARKANSAS, ILLINOIS, KENTUCKY, LOUISIANA, MISSISSIPPI, MISSOURI, AND TENNESSEE

For expenses necessary for the flood damage reduction program for the Mississippi River alluvial valley below Cape Girardeau, Missouri, as authorized by law, \$301,054,000, to remain available until expended.

#### OPERATION AND MAINTENANCE, GENERAL

For expenses necessary for the operation, maintenance, and care of existing river and harbor, flood and storm damage reduction, aquatic ecosystem restoration, and related projects; for providing security for infrastructure owned and operated by, or on behalf of, the U.S. Army Corps of Engineers, including administrative buildings and facilities, laboratories, and the Washington Aqueduct; for the maintenance of harbor channels provided by a State, municipality, or other public agency that serve essential navigation needs of general commerce, where authorized by law; and for surveys and charting of northern and northwestern lakes and connecting waters, clearing and straightening channels, and removal of obstructions to navigation, \$1,932,575,000, to remain available until expended, of which such sums as become available in the Harbor Maintenance Trust Fund, pursuant to Public Law 99-662 may be derived from that fund, and of which such sums as become available from the special account for the U.S. Army Corps of Engineers established by the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 4601-6a(i)), may be derived from that account for resource protection, research, interpretation, and maintenance activities related to resource protection in the areas at which outdoor recreation is available; and of which such sums as become available under section 217 of the Water Resources Development Act of 1996, Public Law 104-303, shall be used to cover the cost of operation and maintenance of the dredged material disposal facilities for which fees have been collected.

#### REGULATORY PROGRAM

For expenses necessary for administration of laws pertaining to regulation of navigable waters and wetlands, \$144,000,000, to remain available until expended.

#### FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM

For expenses necessary to clean up contamination from sites in the United States resulting from work performed as part of the Nation's early atomic energy program, \$140,000,000, to remain available until expended.

#### FLOOD CONTROL AND COASTAL EMERGENCIES

For expenses necessary for emergency flood control, response to hurricanes and other natural disasters, and related activities, including the activities that the U.S. Army Corps of Engineers undertakes to ensure its readiness to respond to such emergencies, \$40,000,000 to remain available until expended.

#### GENERAL EXPENSES

For expenses necessary for general administration and related civil works functions in the headquarters of the U.S. Army Corps of Engineers, the offices of the Division Engineers, the Humphreys Engineer Center Support Activity, the Institute for Water Resources, the U.S. Army Engineer Research and Development Center, and the U.S. Army Corps of Engineers Finance Center,

\$164,000,000, to remain available until expended: *Provided*, That no part of any other appropriation provided in title I of this Act shall be available to fund the activities of the Office of the Chief of Engineers or the executive direction and management activities of the division offices: *Provided further*, That none of these funds shall be available to support an office of congressional affairs within the executive office of the Chief of Engineers.

#### ADMINISTRATIVE PROVISIONS

Appropriations in this title shall be available for official reception and representation expenses (not to exceed \$5,000); and during the current fiscal year the Revolving Fund, Corps of Engineers, shall be available for purchase (not to exceed 100 for replacement only) and hire of passenger motor vehicles.

#### GENERAL PROVISIONS

##### CORPS OF ENGINEERS—CIVIL

SEC. 101. Agreements proposed for execution by the Assistant Secretary of the Army for Civil Works or the United States Army Corps of Engineers after the date of the enactment of this Act pursuant to section 4 of the Rivers and Harbor Act of 1915, Public Law 64-291; section 11 of the River and Harbor Act of 1925, Public Law 68-585; the Civil Functions Appropriations Act, 1936, Public Law 75-208; section 215 of the Flood Control Act of 1968, as amended, Public Law 90-483; sections 104, 203, and 204 of the Water Resources Development Act of 1986, as amended, Public Law 99-662; section 206 of the Water Resources Development Act of 1992, as amended, Public Law 102-580; section 211 of the Water Resources Development Act of 1996, Public Law 104-303; and any other specific project authority, shall be limited to credits and reimbursements per project not to exceed \$10,000,000 in each fiscal year, and total credits and reimbursements for all applicable projects not to exceed \$50,000,000 in each fiscal year.

SEC. 102. None of the funds appropriated in this or any other Act may be used by the United States Army Corps of Engineers to support activities related to the proposed Ridge Landfill in Tuscarawas County, Ohio.

SEC. 103. None of the funds appropriated in this or any other Act may be used by the United States Army Corps of Engineers to support activities related to the proposed Indian Run Sanitary Landfill in Sandy Township, Stark County, Ohio.

#### NAMING OF LOCK AND DAM 3, ALLEGHENY RIVER, PENNSYLVANIA

SEC. 104. (a) DESIGNATION.—Lock and dam numbered 3 on the Allegheny River, Pennsylvania, shall be known and designated as the "C.W. Bill Young Lock and Dam".

(b) LEGAL REFERENCES.—A reference in any law, regulation, document, record, map, or other paper of the United States to the lock and dam referred to in subsection (a) shall be deemed to be a reference to the "C.W. 'Bill' Young Lock and Dam".

Mr. HOBSON (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of title I be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. BOEHLERT. Mr. Chairman, I move to strike the last word.

(Mr. BOEHLERT asked and was given permission to revise and extend his remarks.)

Mr. BOEHLERT. Mr. Chairman, I will not use the 5 minutes. I just want



to rise in support of this bill and to thank the gentleman from Ohio (Chairman HOBSON) for his efforts, particularly to strengthen the Office of Science in the Department of Energy. This is a good bill. There were some differences of opinion early on. We worked out those differences of opinion in a responsible way.

Mr. Chairman, I rise in support of this bill. I just want to make two points about it.

First, I want to thank Chairman HOBSON for his efforts to strengthen the Office of Science. This critical, but often overlooked Office, is a critical supporter of research in the physical sciences. It also supports crucial work related to genomics and homeland security. And it runs laboratories that provide research tools for a wide range of scientists throughout the country.

In this year's Energy bill, H.R. 6, the House, led by Representative BIGGERT, who chairs our Science Committee's Energy Subcommittee, authorized major increases for the Office of Science. This bill makes a downpayment on those authorizations.

The bill also specifically recognizes the importance of the administration's new, inter-agency supercomputing initiative. Our committee held a hearing on the issue this week, and I look forward to working with Chairman HOBSON in this area that can have a major impact on American competitiveness.

I also want to draw attention to section 301 of the bill, which requires competition of laboratory contracts. While I disagree with some of the details of the provision, I agree that we need to come up with a competition policy that will provide predictability for the labs and accountability from the labs. We must develop the tools to improve laboratory management without causing undue disruption or imposing excessive costs. In this too, I look forward to working with Chairman HOBSON.

Because section 301 constitutes legislation on an appropriation bill, Chairman HOBSON and I have exchanged letters describing our agreement on how we will move forward on this section. I ask that they be placed in the RECORD at this point.

I urge my colleagues to support this bill.

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON SCIENCE,  
Washington, DC, July 17, 2003.

Hon. DAVID HOBSON,  
Chairman, Appropriations Subcommittee on Energy and Water Development, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Thanks for meeting with me today to discuss Section 301 of the Energy and Water Appropriations bill for fiscal 2004 (H.R. 2754). As you acknowledged, Section 301 constitutes legislation on an appropriations bill and would normally be subject to a point of order.

In today's discussion, however, you agreed that you would consult with the Science Committee throughout your conference negotiations on Section 301 and that you would not make any conference agreement on Section 301 that did not meet with our approval. As a result of those commitments, I will not object to the waiving of points of order against Section 301.

Like you, I believe the management of the Department of Energy (DOE) laboratories is an important issue that requires more attention from the Congress. As you know, the Science Committee has held hearings on this complex issue. We look forward to working with you to fashion a competition policy

that will provide greater accountability and more attentive management without causing needless disruption of the laboratories' scientific research or imposing unnecessary additional costs.

Sincerely,

SHERWOOD BOEHLERT,  
Chairman.

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON APPROPRIATIONS,  
Washington, DC, July 17, 2003.

Hon. SHERWOOD BOEHLERT,  
Chairman, House Committee on Science, Rayburn Office Building, Washington, DC.

DEAR CHAIRMAN BOEHLERT: Thank you for your letter of July 17, 2003, regarding the provisions of Section 301 of the Energy and Water Development Appropriations Bill, 2004 (H.R. 2754). I understand this provision is legislating on an appropriations bill, and am pleased that you will not object to waiving of points of order against this bill.

I agree that we will consult with the Science Committee throughout our conference negotiations on this particular provision, and will work toward a conference agreement that will satisfy our joint interests on contract competition.

I also agree to find a way to stagger the contract award dates for the Argonne-East and Argonne-West contracts, so that the University of Chicago does not have to compete for both contracts simultaneously.

I look forward to working with you and your staff on this important issue.

Sincerely,

DAVID L. HOBSON,  
Chairman, Subcommittee on Energy and Water Development.

The CHAIRMAN. The Clerk will read.  
The Clerk read as follows:

#### TITLE II

#### DEPARTMENT OF THE INTERIOR

##### CENTRAL UTAH PROJECT

##### CENTRAL UTAH PROJECT COMPLETION ACCOUNT

For carrying out activities authorized by the Central Utah Project Completion Act, \$36,463,000, to remain available until expended, of which \$9,423,000 shall be deposited into the Utah Reclamation Mitigation and Conservation Account for use by the Utah Reclamation Mitigation and Conservation Commission.

In addition, for necessary expenses incurred in carrying out related responsibilities of the Secretary of the Interior, \$1,728,000, to remain available until expended.

##### BUREAU OF RECLAMATION WATER AND RELATED RESOURCES (INCLUDING TRANSFER OF FUNDS)

For management, development, and restoration of water and related natural resources and for related activities, including the operation, maintenance, and rehabilitation of reclamation and other facilities, participation in fulfilling related Federal responsibilities to Native Americans, and related grants to, and cooperative and other agreements with, State and local governments, Indian tribes, and others, \$817,913,000, to remain available until expended, of which \$57,330,000 shall be available for transfer to the Upper Colorado River Basin Fund and \$33,570,000 shall be available for transfer to the Lower Colorado River Basin Development Fund; of which such amounts as may be necessary may be advanced to the Colorado River Dam Fund; and of which not more than \$500,000 is for high priority projects which shall be carried out by the Youth Conservation Corps, as authorized by 16 U.S.C. 1706: *Provided*, That such transfers may be increased or decreased within the overall ap-

propriation under this heading: *Provided further*, That of the total appropriated, the amount for program activities that can be financed by the Reclamation Fund or the Bureau of Reclamation special fee account established by 16 U.S.C. 4601-6a(i) shall be derived from that Fund or account: *Provided further*, That funds contributed under 43 U.S.C. 395 are available until expended for the purposes for which contributed: *Provided further*, That funds advanced under 43 U.S.C. 397a shall be credited to this account and are available until expended for the same purposes as the sums appropriated under this heading: *Provided further*, That funds available for expenditure for the Departmental Irrigation Drainage Program may be expended by the Bureau of Reclamation for site remediation on a non-reimbursable basis: *Provided further*, That \$10,000,000 of the funds appropriated herein shall be deposited in the San Gabriel Basin Restoration Fund established by section 110 of division B, title I of Public Law 106-554, as amended: *Provided further*, That section 301 of Public Law 102-250, Reclamation States Emergency Drought Relief Act of 1991, as amended, is amended further by inserting "2003, and 2004" in lieu of "and 2003".

##### BUREAU OF RECLAMATION LOAN PROGRAM ACCOUNT

For administrative expenses necessary to carry out the program for direct loans and/or grants, \$200,000, to remain available until expended, of which the amount that can be financed by the Reclamation Fund shall be derived from that fund.

##### CENTRAL VALLEY PROJECT RESTORATION FUND

For carrying out the programs, projects, plans, and habitat restoration, improvement, and acquisition provisions of the Central Valley Project Improvement Act, \$39,600,000, to be derived from such sums as may be collected in the Central Valley Project Restoration Fund pursuant to sections 3407(d), 3404(c)(3), 3405(f), and 3406(c)(1) of Public Law 102-575, to remain available until expended: *Provided*, That the Bureau of Reclamation is directed to assess and collect the full amount of the additional mitigation and restoration payments authorized by section 3407(d) of Public Law 102-575: *Provided further*, That none of the funds made available under this heading may be used for the acquisition or leasing of water for in-stream purposes if the water is already committed to in-stream purposes by a court adopted decree or order.

##### POLICY AND ADMINISTRATION

For necessary expenses of policy, administration, and related functions in the office of the Commissioner, the Denver office, and offices in the five regions of the Bureau of Reclamation, to remain available until expended, \$56,525,000, to be derived from the Reclamation Fund and be nonreimbursable as provided in 43 U.S.C. 377: *Provided*, That no part of any other appropriation in this Act shall be available for activities or functions budgeted as policy and administration expenses.

##### WORKING CAPITAL FUND (RESCISSION)

From unobligated balances under this heading, \$4,525,000 are rescinded.

##### ADMINISTRATIVE PROVISION

Appropriations for the Bureau of Reclamation shall be available for purchase of not to exceed 14 passenger motor vehicles, of which 12 are for replacement only.

##### GENERAL PROVISIONS

##### DEPARTMENT OF THE INTERIOR

SEC. 201. (a) None of the funds appropriated or otherwise made available by this Act may

be used to determine the final point of discharge for the interceptor drain for the San Luis Unit until development by the Secretary of the Interior and the State of California of a plan, which shall conform to the water quality standards of the State of California as approved by the Administrator of the Environmental Protection Agency, to minimize any detrimental effect of the San Luis drainage waters.

(b) The costs of the Kesterson Reservoir Cleanup Program and the costs of the San Joaquin Valley Drainage Program shall be classified by the Secretary of the Interior as reimbursable or nonreimbursable and collected until fully repaid pursuant to the "Cleanup Program-Alternative Repayment Plan" and the "SJVDP-Alternative Repayment Plan" described in the report entitled "Repayment Report, Kesterson Reservoir Cleanup Program and San Joaquin Valley Drainage Program, February 1995", prepared by the Department of the Interior, Bureau of Reclamation. Any future obligations of funds by the United States relating to, or providing for, drainage service or drainage studies for the San Luis Unit shall be fully reimbursable by San Luis Unit beneficiaries of such service or studies pursuant to Federal reclamation law.

SEC. 202. None of the funds appropriated or otherwise made available by this or any other Act may be used to pay the salaries and expenses of personnel to purchase or lease water in the Middle Rio Grande or the Carlsbad Projects in New Mexico unless said purchase or lease is in compliance with the purchase requirements of section 202 of Public Law 106-60.

SEC. 203. Subsection 206(b) of Public Law 101-514 is amended as follows: In paragraph (1), strike " , with annual quantities delivered under these contracts to be determined by the Secretary based upon the quantity of water actually needed within the Sacramento County Water Agency service area and San Juan Suburban Water District after considering reasonable efforts to: (i) promote full utilization of existing water entitlements within Sacramento County, (ii) implement water conservation and metering programs within the areas served by the contract, and (iii) implement programs to maximize to the extent feasible conjunctive use of surface water and groundwater".

SEC. 204. The Secretary of the Interior is authorized and directed to amend the Central Valley Project water supply contracts of the Sacramento County Water Agency and the San Juan Suburban Water District by deleting a provision requiring a determination of annual water needs included pursuant to section 206 of Public Law 101-514.

#### LOWER COLORADO RIVER BASIN DEVELOPMENT

SEC. 205. (a) IN GENERAL.—Notwithstanding section 403(f) of the Colorado River Basin Project Act (43 U.S.C. 1543(f)), no amount from the Lower Colorado River Basin Development Fund shall be paid to the general fund of the Treasury until each provision of the revised Stipulation Regarding a Stay and for Ultimate Judgment Upon the Satisfaction of Conditions, filed in United States district court, in Central Arizona Water Conservation District v. United States (No. CIV 95-625-TUC-WDB (EHC), No. CIV 95-1720-OHX-EHC (Consolidated Action)), and any amendment or revision thereof, is met.

(b) PAYMENT TO GENERAL FUND.—If any of the provisions of the stipulation referred to in subsection (a) are not met by the date that is ten years after the date of enactment of this Act, payments to the general fund of the Treasury shall resume in accordance with section 403(f) of the Colorado River Basin Project Act (43 U.S.C. 1543(f)).

(c) AUTHORIZATION.—Amounts in the Lower Colorado River Basin Development Fund

that but for this section would be returned to the general fund of the Treasury shall not be expended until further Act of Congress.

SEC. 206. The second paragraph under the heading "Administrative Provisions" in Public Law 102-377 (43 U.S.C. 377b) is amended by inserting " , not to exceed \$5,000,000 for each causal event giving rise to a claim or claims" after "activities of the Bureau of Reclamation".

Mr. HOBSON (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of title II be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

#### TITLE III

#### DEPARTMENT OF ENERGY

#### ENERGY PROGRAMS

#### ENERGY SUPPLY

For Department of Energy expenses including the purchase, construction, and acquisition of plant and capital equipment, and other expenses necessary for energy supply activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, and the purchase of not to exceed 12 passenger motor vehicles for replacement only, including two buses; \$691,534,000, to remain available until expended.

Mr. GIBBONS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I wish to engage the chairman of the subcommittee in a colloquy regarding the early acceptance of spent nuclear fuel at Yucca Mountain.

Mr. Chairman, this issue is of the utmost importance to me and, as my colleagues know, each and every year that I have been a Representative of the State of Nevada, for the last 7 years, I have adamantly fought against the storage of nuclear waste at Yucca Mountain. This is a critical issue and vitally important to the rest of the Nevada congressional delegation, as it is to our constituents.

While I could go on and speak for hours on the reasons why the committee's unprecedented level of funding for Yucca Mountain nuclear waste repository is an outrage to Nevadans, I choose rather to focus my attention and my opinion on the most irresponsible and alarming of the committee's report: the \$4 million in taxpayer dollars to study early acceptance or interim storage of high-level nuclear waste at Yucca Mountain.

I clearly remember debating this interim issue of storage during the 105th Congress. I remain strongly opposed to the notion that storing nuclear waste in a temporary facility on-site at Yucca Mountain is a solution to a problem of nuclear waste.

I adamantly oppose the committee's opinion that transporting high-level nuclear waste from over 100 power plants across this Nation through our

neighborhoods and in yet unproven dual-use casks will further secure our Nation against the threat of terrorism.

The Energy Department's resources and taxpayer dollars could be far better utilized in securing our Nation's high-level nuclear waste if they were to spend this \$4 million on bolstering security at the existing storage facilities.

Mr. Chairman, before I go on, I would like to yield to my colleague from the Third Congressional District of Nevada (Mr. PORTER) for his comments as well.

Mr. PORTER. Mr. Chairman, I would like to thank the chairman for engaging in this colloquy today.

For the last 20 years, I have fought against the Yucca Mountain project and believe to this day that the facility is a danger to the people of Nevada and unnecessary for the people of the United States.

While Congress has authorized the Yucca Mountain site, we in Nevada continue to use every avenue available to resist the establishment of this facility. Interim storage of spent nuclear fuel at Yucca Mountain, which has not been approved by Congress, is intolerable to the people of Nevada.

I appreciate the help of the gentleman from Ohio (Mr. HOBSON), and I appreciate the fact that he has agreed that the interim storage of spent nuclear fuel at Yucca Mountain is not the intent of his committee or of this Congress, and that he will oppose any and all efforts to include language recommending interim storage in any conference report presented to this House.

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I would like to thank my colleagues from Nevada. I appreciate the gentleman yielding me time.

Mr. GIBBONS. Mr. Chairman, I yield such time as he may consume to the gentleman from Ohio (Mr. HOBSON), the chairman of the subcommittee, for his response to our colloquy.

Mr. HOBSON. Mr. Chairman, I thank the gentleman from Nevada (Mr. GIBBONS) and the gentleman from Nevada (Mr. PORTER).

I understand the concerns of the Members from Nevada. We have tried to do the right thing for Nevada in this bill by directing the Secretary to select rail as the preferred mode of transportation within Nevada and by directing the Secretary to select a rail route that avoids Las Vegas. Further, we have restored the external oversight funding for the State of Nevada and the affected counties, and we have provided \$30 million in impact assistance funding for the affected Nevada counties.

Nevertheless, I understand the sensitivity on the issue of this early acceptance. I commit that we will drop the report dealing with early acceptance when we get to conference, and I will direct the Secretary to apply the \$4 million to improving the security of the containers used to store spent fuel at reactor sites.

Mr. GIBBONS. Mr. Chairman, I thank the subcommittee chairman for

his agreement to strike and remove the interim storage provisions regarding this troubling language that is in the bill. I look forward to working with him as does my colleague, the gentleman from Nevada (Mr. PORTER), on ensuring our constituents of this point as well.

AMENDMENT OFFERED BY MR. UDALL OF COLORADO

Mr. UDALL of Colorado. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. UDALL of Colorado:

Page 17, line 2, after the dollar amount, insert the following: "(increased by \$30,000,000)".

Page 19, line 2, after the dollar amount, insert the following: "(reduced by \$30,000,000)".

Mr. UDALL of Colorado (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. HOBSON. Mr. Chairman, I reserve a point of order against the amendment.

Mr. UDALL of Colorado. Mr. Chairman, I am offering this amendment with my colleague, the gentleman from Nevada (Mr. PORTER). I want to thank the gentleman for working with me. I also want to thank my colleague, the gentlewoman from Nevada (Ms. BERKLEY), who cannot be here today, for her support of this amendment.

The Udall-Porter amendment would add \$30 million to a number of renewable energy programs at the Department of Energy. The programs to be increased, solar energy, wind energy, geothermal technology, biomass and biofuels, Zero Energy Buildings, hydropower, and the Renewable Energy Production Incentive were identified by my friends in the clean energy community as programs particularly in need of additional funding.

When taken together, these programs fall \$33 million below fiscal year 2003 levels. So the \$30 million funding increase we are proposing still falls short of fiscal year 2003 levels, so we consider this amendment to be a modest one.

The \$30 million increase for renewable energy programs would come from funds for Yucca Mountain's nuclear waste disposal account. I want to make clear that my aim in proposing this amendment is to restore funds to critical clean energy programs, not to deprive Yucca Mountain of funds it may need.

Indeed, I know that at least two of Yucca's programs, local impact assistance and external oversight funds, are very important to Nevada's communities. Our amendment does not seek to take funds from these accounts. But the bill we are considering today includes \$335 million for the nuclear waste disposal account. This is fully \$174 million over the President's re-

quest. So the Udall-Porter amendment would still leave the Yucca account at \$144 million over the request.

Given the importance of the clean energy programs, particularly at a time when we are all concerned about our energy security, I believe that our amendment helps strike a greater balance in the bill.

Mr. Chairman, I do not want this to be a negative debate. My goal is to focus on the importance of developing a diverse and balanced long-term energy policy, one that requires us to think beyond today's gasoline prices and beyond next year's election. I want to talk about the real crises that will develop 10 or 20 years from now when oil prices will probably go up permanently as a result of increasing global demand and passing the peak in global petroleum production.

We have not done enough to prepare for this eventuality, but investing in clean energy programs is one way to start. DOE's renewable energy programs are vital to our Nation's interest, helping to provide strategies and tools to address the environmental challenges we will face in the coming decades.

Investments in sustainable energy technologies meet multiple other public policy objectives. Far from decreasing, U.S. dependence on imported oil has increased to record levels over the last 25 years. These programs are helping to reduce our reliance on oil imports, thereby strengthening our national security and also creating hundreds of new domestic businesses, supporting thousands of American jobs, and opening new international markets. While these technologies have become increasingly cost-competitive, the pace of their penetration into the market will be determined largely by government support for future research as well as by assistance in catalyzing public-private partnerships.

Not only economic independence, but also environmental health and lower energy costs are advanced by our investment in renewable energy. But in order for these investments to pay off, we have got to have a sustained commitment over the long term. It is time to recognize the value of clean energy research to our communities and to our world and to commit to sustaining our investment in clean energy for years to come.

Our amendment does not do all that should be done, but it does greatly improve the bill, and I urge its adoption.

Mr. Chairman, I should note finally our intention that funding for these programs be allocated at levels described in tables that I will provide here as a part of the Record. The table is as follows:

# RENEWABLE ENERGY—2004 BUDGET AND APPROPRIATIONS

(In millions of dollars)

Program	FY03 approp	FY04 re- quest	FY04 Com- mittee mark	Udall- Porter Amdt
Solar Energy:				
Concentrating Solar Power .....	5.4	0	5.5	+4.1
Photovoltaics .....	76.5	76.7	71.2	+5.5
Zero Energy Buildings .....	0	4.0	0	+4.0
Wind Energy .....	44.0	41.6	41.6	+2.4
Hydropower .....	5.3	7.5	5.4	+2.0
Geothermal Technology .....	30.0	25.5	25.5	+5.0
Biomass/Biofuels .....	90.0	69.7	69.7	+6.0
REPI .....	5.0	4.0	4.0	+1.0
Total .....	256.2	229.0	222.9	30.0

The CHAIRMAN. Does the gentleman from Ohio (Mr. HOBSON) continue to reserve his point of order?

Mr. HOBSON. Mr. Chairman, I withdraw my point of order.

The CHAIRMAN. The point of order is withdrawn.

Mr. HOBSON. Mr. Chairman, I rise in opposition to this amendment. I think we provided very generous funding for renewable energy sources, and I strongly object to any reductions in the funding for Yucca Mountain repository.

Let me explain what our bill really does for renewable energy resources. The enacted funding levels for renewable energy resources for fiscal year 2003 was \$419.5 million. The request for fiscal year 2004 was \$444.2 million. However, subsequent to submission of the budget request, the Secretary of Energy proposed transferring \$73.6 million from renewable energy to a new Office for Electricity Transmission and Distribution. The House recommendation for renewables is \$330.1 million, an apparent reduction of \$89.3 million from the current year. I say apparent because \$73.6 million of this apparent reduction represents the transfer to the new electricity office. Therefore, the real reduction for renewable energy is only \$16 million compared to the current fiscal year.

Our fund funds the mainstream renewable programs for solar power, wind power, biomass, and geothermal energy exactly at the requested levels. We fund the International Renewable Energy Program, tribal energy activities, and the Renewable Energy Production Incentives all at the requested levels.

That sounds like renewable energy does pretty well in our bill, and it does. We made a few specific funding reductions and with good reason. The administration wanted to double the funding for hydrogen from \$39.7 million to \$88 million. We cut that increase by \$20 million, partly because the Department has not convinced us that it can spend that large of an increase constructively, and also because we learned that the Department intended to keep much of that funding within the national laboratories, rather than make it available competitively for industry and university research.

We have eliminated the request for \$15 million of the National Climate Change Technology Initiative not because we opposed the research on this important topic, but because we opposed the Department's proposal to

pull funding from our bill and the Interior appropriations bill into a single program. Such pooling is unwise and unnecessary.

The Department presently spends over \$1.6 billion annually on climate change research. Over \$1.1 billion of that is in the energy and water development bill. We do want the Department to seek out good technology ideas from the private sector and universities, but it can certainly accomplish that goal by simply making competitive awards of a greater portion of the \$1.6 billion available for climate change research.

We make several other minor reductions, but we also added \$4.9 million to start construction of a new research facility at the National Renewable Energy Laboratories. I think we treated the renewable energy programs very fairly in the bill.

What I do not think is fair and sound policy is a proposal to cut back funding for the Yucca Mountain repository. The majority of Members of this Chamber voted last year to designate Yucca Mountain as the site for the repository. I am sure the majority of Members of this Chamber believe that the Department of Energy is now moving forward aggressively to get the repository built and operational. I am here to tell you that is not so. This program has been starved for funding practically every year by the actions of the other body. The result of these persistent funding cuts is that the Department has had to defer much of the essential work that will be required to get this repository open by 2010.

Let me tell you, 2010 is a pipe dream at the requested funding level. It simply will not happen unless we provide more funding for these essential tasks. Our bill provides \$174 million for these tasks. In particular, we provide \$70 million so the Department can begin planning for a rail line to Nevada. And we prohibit the Secretary from routing this line close to Las Vegas, which has been used by everybody as a political football.

We restore \$9 million for funding for external oversight by the State and affected counties, and we provide \$30 million of impact assistance to the affected Nevada counties. In total \$129 million of these additional funds are to be spent in Nevada for the citizens of Nevada.

It is hard to argue that this additional funding harms the State of Nevada. It is an economic development tool whether Yucca Mountain opens or never opens. It is a great economic tool for Nevada, and I cannot understand why Nevada Members would stand up here and want to hurt the economy of Nevada.

I also want to remind Members that many of you have operating reactors, closed reactors and DOE clean-up sites in your district. I do not believe you want this spent fuel and high-level waste to stay in your districts indefinitely. Rate-payers in every State that

uses nuclear power have paid over \$16 million into the nuclear waste fund. It is time for the government to fulfill its statutory responsibilities and deliver an operational repository by the end of the decade.

For the sake of our children and grandchildren, we cannot continue to allow the opponents of the repository to continue to delay this vital project. Therefore, I strongly oppose the amendment.

Mr. PORTER. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, this amendment would restore funding to critical renewable energy research and development programs that have been cut from other programs.

America's energy consumption is at an all-time high, and rising. In order to address the imbalance between consumption and domestic production, one part of the solution is to continue the advances in research and development of renewable energy resources. In my home State of Nevada, the sun shines more than 300 days out of a given year. We are also blessed with an abundance in the amount of other renewable resources, such as geothermal, wind, and biomass.

As a Congressman from Nevada, and representing the mightiest renewable resource in the West, the Hoover Dam, Nevada can also boast that we have one of the top research centers in the country for renewable energy, the Desert Research Institute.

The people of Nevada have chosen not to have nuclear power and rely instead on the natural treasures of our State. Unfortunately, Nevada has been selected to become the country's nuclear waste dumping ground at Yucca Mountain.

This amendment will benefit all Americans and my constituents by moving funds from an unapproved, unnecessary, unsafe facility by re-directing them to renewable energy research. I urge my colleagues to vote in favor of this amendment and restore the funding for renewable energy programs.

I would like to thank my colleagues from Nevada, especially the gentlewoman from Nevada (Ms. BERKLEY), who could not be here today. On many occasions in politics we are on opposite sides of the fence; however, when it comes to Yucca Mountain, we supersede politics, and I commend her for her efforts on her fight against Yucca Mountain.

Mr. KNOLLENBERG. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in opposition to the amendment. I would like to commend the gentleman from Ohio (Chairman HOBSON) for putting an emphasis on this issue. I would also like to thank the gentleman from Indiana (Mr. VISCLOSKEY) for his work on this bill, and also both of their staffs.

Let me say, Congress has been debating this issue for a number of years, this whole issue of a waste repository,

that, frankly, has taken decades to get to this point. As the chairman pointed out, rather than keeping spent nuclear fuel at on-site locations at 103 spots around the country, sound science tells us that a geologic repository at a central, safe and remote location is the way to go.

Now, this Congress has spoken not once, but three times, twice with votes that were over 300. I think that is very telling. It is very compelling that we should move forward, and there are no show-stoppers on this location as being a problem for the safe repository, the safe deposition of this spent fuel.

I commend the committee for the critical funds it put into their bill for Yucca Mountain. This is a national priority. The money will ensure the spent fuel currently kept on site in our Nation's communities, our lake shores and the environment will be removed in a timely fashion.

□ 1015

Some would suggest that a geologic repository at Yucca Mountain is not a good idea and that we would be better off if we just left that spent fuel on site. Such thinking cannot be, could not be more wrong; and Congress has spoken not once but three times overwhelmingly to move forward.

The fact is that the amount of space available for spent fuel storage at these 103 commercial nuclear power plants in America is rapidly shrinking, and when the on-site storage space runs out, it is gone. There is nothing. We cannot build an annex. We cannot build a room, a shack to put it in and it would be safe if we were to.

With all of the uncertainty in today's world, it is critical for us to remove the spent fuel from those facilities and store it in a central, safe, and remote location. As the chairman has said, even leaving this spent fuel on site only escalates the security concerns and, worse, the potential for mischief and terrorism.

Nuclear energy, which represents approximately 20 percent of the Nation's energy supply, provides a viable, cost-efficient, and clean alternative to fossil fuels. Nuclear power is a vital component in the engine that drives the American economy. Funds contained in the program will enable the Department of Energy to initiate repository operations hopefully in the year 2010.

I again want to commend the chairman for making the nuclear waste program a priority in the bill. He recognizes, as does the ranking member, that it is a national priority; and I urge my colleagues to oppose this amendment.

Mr. WAMP. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise as a member of the Subcommittee on Energy and Water Development of the Committee on Appropriations to applaud the chairman for just an excellent work product in this bill and the ranking member, the gentleman from Indiana

(Mr. VISCLOSKEY). They really have been aggressive, traveling, looking at the problems, restructuring, reforming programs and really have done their homework. So they deserve a lot of credit.

I also rise as the co-chairman of the Renewable Energy and Energy Efficiency Caucus with the gentleman from Colorado (Mr. UDALL) in support of renewables and increased funding for renewables, energy efficiency, and energy conservation. The dilemma we face, though, is that in our attempt to increase the funding, the offset that the gentleman from Colorado (Mr. UDALL) proposed, working with his friends in Nevada, is the wrong way to go; and I say that because I believe that nuclear power is green power, is clean power, and we absolutely must solve the waste stream problem in order to clean up the air in this country with new nuclear production. That is the truth. They know it in Europe. They know it around the world; but in this country, some of our friends in the environmental world believe that nuclear energy is not clean energy and it is, but the waste stream is an issue.

We have got to get on with it. They are exactly right to be saying the top priority in this bill is the Yucca Mountain repository. We cannot cut that budget. I am sorry to our friends in Nevada. It is not in our national interests to do that.

On the renewable front, I want more money. The chairman has pledged to work with us through conference. I know that there are friends in the Senate that will work with us on raising renewables at the conference. I have every intention of advocating through the process as a conferee for increased funding on renewables. I would like to get that \$16 million figure that the chairman referred to up to a level of funding amount, even though, as he points out, we are at the President's request on the key renewables of wind and solar and biomass.

I do believe, though, that we can go further; and I want to do that. We can do that. We could have done that today. We talked through the night last night about ways to find the offset, but this is the wrong way to go because of the offset from Yucca. All that does is hold up our ability to clean up the air and to work out the waste stream with nuclear energy in this country.

I come from the TVA region, and we have five nuclear reactors. They are the most efficient, they are the cleanest, and they are the most productive sources of energy we have in the TVA system. That is 8 million customers, nuclear; and we have worked the bugs out of those reactors where they stay on line. They have a very high efficiency rate, but we have to have a place to store that waste; and Yucca Mountain is that option that has been chosen, and we must move forward.

I will be happy to yield to my friend from Colorado, who is my co-chairman

of the Renewable and Energy Efficiency Caucus, to talk about how we can work together after this amendment is defeated today, because it needs to be; and in the best interests of the bill and moving the process forward, we are going to defeat this amendment, but I would love to yield to my friend and engage in a little conversation about how we can continue to work together this year because he and I both know and believe that we must do more in this renewable front to make our country independent and secure because energy independence in this country is homeland security.

We have got to wean ourselves off of the reliance on Middle Eastern oil, and that means advancing solar and wind and biomass and geothermal and all of our renewable sources, and he is passionate about it and so am I; but we have got to find a way to do it within the context of this bill. We will work together through conference.

Mr. UDALL of Colorado. Mr. Chairman, will the gentleman yield?

Mr. WAMP. I yield to the gentleman from Colorado.

Mr. UDALL of Colorado. Mr. Chairman, I thank the gentleman from Tennessee for yielding, and I think the passion of my good friend from Tennessee is self-evident here today; and I look forward to working with him on this very important, crucial aspect of energy independence and how we can create jobs, protect the environment, make ourselves more secure in the long term.

Mr. WAMP. Mr. Chairman, reclaiming my time, over half of this House are members of the bipartisan caucus, and we want to continue to build support for this most important national security issue of energy independence through the advancement of renewables and energy efficiency, energy conservation programs. I urge a "no" vote on this amendment respectfully.

Mr. LATHAM. Mr. Chairman, I move to strike the requisite number of words.

First of all, I would just like to commend the chairman and the ranking member for just an unbelievable job and to thank the terrific staff that we have in this subcommittee. I am very proud to be a member of this subcommittee and to have the opportunity to work with such great people. It is really an honor.

There is no one in the House who is more concerned about renewable energy than I am, and there are just a couple of points I think that we should make here.

I am going to oppose the amendment for various reasons. I would remind the House, last Monday afternoon when we were doing the Agriculture appropriations bill on the floor here, we accepted an amendment which put an additional \$20 million into renewable energy research. So combined with what the chairman of the Subcommittee on Energy and Water Development has done, we are not starving renewable energy

at all; and, in fact, we will work in a bipartisan way to increase funding when we get to conference for that.

Also, as a Member who serves on the Subcommittee on Homeland Security on the Committee on Appropriations, I cannot emphasize enough to the House how important the funding is that is in this bill that the chairman has put in as far as nuclear energy, as far as the storage issue for our national security. It is extraordinarily important that we do not take money away from what the chairman has placed in this account. It is a matter of national security. It is a matter of our home security; and I would just implore all Members to encourage renewable energy research, but do not take it out of this account. It is absolutely critical that we maintain the level of funding we have, and hopefully increase, because it is a critical issue.

Mr. VISCLOSKEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I appreciate the recognition, and I rise in strong opposition to the Udall-Porter amendment. The chairman, I think, has stated the case very aptly. At the beginning of my remarks, I would like to make three points, however.

I would note, as other speakers have done, the absence of the gentlewoman from Nevada (Ms. BERKLEY) from the First Congressional District of Nevada. Unfortunately, because of an illness in her family, she was not able to be here. Despite my opposition to the Udall-Porter amendment, I would note for the record her strong support of it, her continual lobbying on behalf of the people of Nevada on this particular issue.

I would like to make three points. The first is this is a matter of consensus. The House has spoken on this issue. The House passed a Yucca Mountain approval resolution in May of 2002 by a vote of 306 to 117. The Senate passed the resolution by voice vote, and the President signed it into law in July of last year.

Secondly, this is a matter of time, and time is of the essence. The 2010 target for opening a permanent repository is now 12 years later than the deadline set on January 31, 1998, for DOE to begin taking waste from nuclear plant sites.

Finally, this is a national security issue. There are over 100 operating reactors, 103, with closed sites that need to have their waste removed. This is a national security issue. We need to have this waste in one place, under guard and contained. I am strongly opposed to the amendment.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, let me add my appreciation to both the chairman and the ranking member for a bill that really encompasses many of the interests of Americans from all of our regions, and I respect the disagreement of both the

chairman and the ranking member on this particular amendment; but I rise to support the amendment. I do want to also acknowledge the gentlewoman from Nevada (Ms. BERKLEY), who traveled a long journey through the process of dealing with the Yucca Mountain issue, but I think we should balance this amendment for its impact on Yucca Mountain as much as its value to renewable energy.

I refer my colleagues back to the energy legislation, both the legislation that was debated in 2001 and then the subsequent legislation, where there was a great emphasis on renewable energy. It is well known that I come from an oil-producing and gas-producing area. That is Texas. I am a supporter of environmentally safe development of our oil and gas reserves. In fact, I offered an amendment that was accepted to provide for the enhanced development of energy resources in the gulf as it has been done in an environmentally safe manner. There are enormous resources there. The coastal areas are supportive of that exploration, and we need more work by both the large corporations in oil- and gas-producing and the domestic producers.

In this instance, I believe it is important for America to invest in its renewable energy, and this amendment has that component to it; and I think we should be focused on the value of solar energy and other aspects of renewable energy. In fact, Texas Southern University, a Historically Black College in my congressional district, is one of the forerunners, if you will, of research into solar energy. This is a viable, comparable, important aspect of our energy policy and our energy resources for the future.

So this should not be only a pointed, if you will, emphasis on the Yucca Mountain issue, though I would argue that those of us who made arguments in opposition to it still maintain that we should find some alternatives to the approach being utilized in the Yucca Mountain effort; but this amendment, I believe, is an important amendment.

Let me simply say this with respect to the energy and water bill. I am gratified that included in the bill there is a great emphasis, if you will, on the Department of Energy resources and science programs. As a member of the House Committee on Science, I support the \$3.48 billion in those programs. Let me also say that I support the \$4.48 billion for the Army Corps of Engineers and raise the issue that is of serious note in my region and that is flooding.

I have worked to provide dollars for the SIMS Bioproject in the 18th Congressional District and the White Oak Bioproject in the 18th Congressional District and obviously need more assistance from the Army Corps of Engineers, and I would recommend to this body that the Army Corps of Engineers works more closely with the local officials to the extent that when they are involved in projects, that when the local officials or local entities are not

involved in matching funds or not involved in being as cooperative as they should be, that the Congress should be made aware, the agency should make that known because then our projects are delayed when they are funded through this bill because of the lack of local cooperation.

So I am hoping to work more extensively with the Army Corps of Engineers on local projects, particularly with flooding in the region I come from in Houston, and particularly in the 18th Congressional District.

Those narrow issues do not in any way undermine the importance of this amendment that I rise to support, and hopefully my colleagues will see the value in our investment in renewable energy resources; and as well I will applaud my own constituents, Texas Southern University, that has done great work under the leadership of our deceased professor who had done such great work for this.

□ 1030

I would argue this is a good amendment, a strong amendment, and I ask my colleagues to support it.

Mr. INSLEE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, we all recognize the difficulties in dealing with appropriations bills. The committee, under noble leadership, has done an admirable job in dealing with priorities, but I think we ought to support this amendment because it is a statement of intent by the U.S. House of Representatives to, in fact, embrace the type of visionary leadership that came from this podium right behind me on May 9, 1961.

As we all know, on May 9, 1961, President John F. Kennedy stood at this well and challenged America to go to the moon and bring a man safely back within the decade. And that is the type of visionary leadership and over-the-horizon thinking that we now need in our energy policy in the United States.

Many of us have been talking about the need for us to embrace a new Apollo energy project to, in fact, establish very high bar goals for us that, to date, we have not done; that we need to embrace a goal of eliminating our addiction to Middle Eastern oil; that we need to embrace a goal of significantly reducing our global climate change gas emissions; and, most importantly, we need to embrace a goal of building these new technologies here of hybrid cars and solar power and wind power rather than giving those jobs to Denmark, Germany and Japan.

So I think we ought to pass this amendment as a statement of congressional intent to move in that direction. And just to make a suggestion to my colleagues as to why this is not pie in the sky, I just want to share a picture of a home in Virginia. This is a picture of the home of Alden and Carol Hathaway. They live in Hillsboro, Virginia. It is a nice home. I have seen it. They built it for \$360,000, just a little more than a conventional home.

This is a comfortable home. It is nice looking, and it has net zero energy usage off the grid. These folks, using existing technologies, have a net zero use of energy that is not produced in their home. This is technology that is on the very cusp of being market-based if we do a little more work on solar, wind, and things like they have, which is an in-ground heat pump. I just point this out because we are at a very exciting moment in time where we can push these technologies over the top because the prices are coming down so radically.

I want to mention the Yucca Mountain situation. I have been a supporter of the effort to move forward in Yucca Mountain, and I understand it is important to continue that funding stream, but I want to confirm my understanding is the amount proposed by the Udall amendment actually moves us a little closer to the number proposed by the administration, which I would give some credence to in this assessment.

Mr. UDALL of Colorado. Mr. Chairman, will the gentleman yield?

Mr. INSLEE. I yield to the gentleman from Colorado to elaborate on that.

Mr. UDALL of Colorado. Mr. Chairman, I thank the gentleman for yielding, and I would just say to him that that is the case. The President's proposal is about \$174 million below what is proposed in this legislation.

And I, too, do not want to interfere with the work that is going on in Nevada when it comes to Yucca Mountain, but this would direct \$30 million from the \$174 million, more than the President recommended, into this account, which would help us hurry the future, bend the curve, and get us to the point where these technologies are available to all Americans, thereby creating jobs, protecting the environment, and, frankly, making us more secure on the international front.

Mr. INSLEE. Reclaiming my time, Mr. Chairman, I want to thank the gentleman for his explanation, and I appreciate his leadership on that.

Mr. Chairman, I would note that we do have a problem with nuclear waste, but we have a problem in not having a visionary energy policy. I hope we can support the Udall amendment.

Mr. FRELINGHUYSEN. Mr. Chairman, I rise in opposition to Mr. UDALL's Amendment.

Last year I voted to endorse the Department of Energy and the President's finding that Yucca Mountain is the best choice for a national nuclear waste depository. Science and safety illustrate that Yucca Mountain is in our Nation's interest. National security further illustrates that Yucca Mountain is in our Nation's interest.

As such, Chairman HOBSON has rightly made funding the Nuclear Waste Program one of his highest energy priorities. The Chairman's mark provides a total of \$765 million for nuclear waste disposal, an increase of \$174 million over the budget request and \$308 million more than fiscal year 2003. These additional funds are provided to enable the Department to open the Yucca Mountain repository



on schedule in 2010, with particular emphasis in developing a rail line in Nevada that avoids the Las Vegas metropolitan area.

From a New Jersey perspective this site is long over due. We live in the most densely populated state in the nation, with 49 percent of our power generated by nuclear energy and for many years now, those wastes have been stored on the grounds of our two nuclear reactor sites.

The time has come for the waste to be sent to a single national repository as was promised in the Nuclear Waste Policy Act of 1982 and for which New Jersey taxpayers have contributed millions of dollars in their energy bills into the nuclear waste fund, specifically set up to pay for the costs of characterizing and developing the Yucca Mountain Site.

Mr. Chairman, for all of these reasons, I urge my colleagues to oppose this amendment and support the underlying bill.

Mr. MATHESON. Mr. Chairman, last year I spoke in opposition to the approval of Yucca Mountain as a site for the Nation's nuclear waste and I rise again to urge support for the Porter-Udall amendment to reduce funding for Yucca.

My home state, Utah, produces no nuclear waste. However, we are engaged in our own battle against storing out of state nuclear waste at a site called Skull Valley.

Our neighbor, the State of Nevada also produces no nuclear waste. Yet, this Congress insists that Nevada should bear the responsibility for housing thousands of tons of spent fuel. Not only is Nevada expected to house this waste, but states like Utah are expected to allow the transportation of these hazardous, life-threatening fuel rods through our neighborhoods.

This great Nation depends on the concept of shared responsibility. The transportation of this waste throughout the Nation is a huge risk that has not been properly considered. In the event of an accident, either at Yucca or on the way to Yucca, all of our fellow Americans will be forced to live with the consequences. I urge my colleagues to join me in opposing funding for Yucca Mountain and in supporting the Porter-Udall amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Colorado (Mr. UDALL).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. UDALL of Colorado. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Colorado (Mr. UDALL) will be postponed.

The Clerk will read.

The Clerk read as follows:

#### NON-DEFENSE SITE ACCELERATION COMPLETION

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses necessary for non-defense environmental management site acceleration activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, \$170,875,000, to remain available until expended.

Mr. POMEROY. Mr. Chairman, I move to strike the last word, and I would like to engage the distinguished gentleman from Ohio (Mr. HOBSON) in a colloquy.

Mr. Chairman, water is a treasured resource everywhere in this Nation. For my constituents, degraded water quality in the Sacramento-San Joaquin Delta stemming from increased salinity is a growing problem. The fiscal year 2003 omnibus appropriation bill recognized this growing problem by dedicating \$2 million for planning studies to enlarge the Los Vaqueros Reservoir. The omnibus bill also dedicated Central Valley Project storage feasibility funding towards Sites Reservoir, the Upper San Joaquin River and Shasta Dam in California.

All of this funding was the result of many years of debate and compromise and serves as one strong step towards fixing California's water supply problems, and I appreciate the help in this effort of the gentleman from Ohio.

Today's appropriation bill thankfully continues this step, but a very large piece of the puzzle is missing: Los Vaqueros funding. With the fact that the Senate version of this bill contains \$1 million in funding for this important water quality mechanism, I would like to ask the gentleman for his commitment in funding this important project in the conference report.

Mr. HOBSON. Mr. Chairman, will the gentleman yield?

Mr. POMBO. I yield to the gentleman from Ohio.

Mr. HOBSON. Mr. Chairman, I am pleased to enter into a discussion with the chairman of the Committee on Resources, and would tell him that I understand the need for this important project, and I will commit to my friend from California to do the best I can to secure funding for this project in the conference.

Mr. POMEROY. Reclaiming my time, Mr. Chairman, I appreciate the Chairman's hard work in helping to resolve California's water problems, and I thank him for his tireless effort and his help on this issue.

Mr. HOBSON. Mr. Chairman, I ask unanimous consent that the remainder of the bill, to page 39 line 23, be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The text of the bill from page 17, line 15, through page 39, line 23, is as follows:

#### NON-DEFENSE ENVIRONMENTAL SERVICES

For Department of Energy expenses necessary for non-defense environmental services activities conducted as a result of nuclear energy research and development activities that indirectly support the accelerated cleanup and closure mission at environmental management sites, as well as new work scope transferred to the Environmental Management program, including the purchase, construction, and acquisition of plant and capital equipment and other necessary

expenses, \$320,468,000, to remain available until expended.

#### URANIUM ENRICHMENT DECONTAMINATION AND DECOMMISSIONING FUND

For necessary expenses in carrying out uranium enrichment facility decontamination and decommissioning, remedial actions, and other activities of title II of the Atomic Energy Act of 1954 and title X, subtitle A, of the Energy Policy Act of 1992, \$392,002,000, to be derived from the Fund, to remain available until expended, of which \$51,000,000 shall be available in accordance with title X, subtitle A, of the Energy Policy Act of 1992.

#### SCIENCE

For Department of Energy expenses including the purchase, construction and acquisition of plant and capital equipment, and other expenses necessary for science activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or facility or for plant or facility acquisition, construction, or expansion, and purchase of not to exceed 15 passenger motor vehicles for replacement only, including not to exceed one ambulance, \$3,480,180,000, to remain available until expended.

#### NUCLEAR WASTE DISPOSAL

For nuclear waste disposal activities to carry out the purposes of Public Law 97-425, as amended, including the acquisition of real property or facility construction or expansion, \$335,000,000, to remain available until expended and to be derived from the Nuclear Waste Fund: *Provided*, That of the funds made available in this Act, \$70,000,000 shall be used to initiate development of a rail line in the State of Nevada, connecting the existing national rail network with the repository site on the Nevada Test Site: *Provided further*, That none of the funds provided in this or any other appropriations Act may be used for the planning, design, or development of the rail corridors that pass near the Las Vegas Metropolitan Area, specifically the Valley Modified Corridor and the Jean Corridor, and variations thereof, as these corridors are delineated in the Final Environmental Impact Statement for a Geologic Repository for the Disposal of Spent Nuclear Fuel and High-Level Radioactive Waste at Yucca Mountain, Nye County, Nevada, dated February 2002: *Provided further*, That \$65,000,000 of the \$70,000,000 made available in this Act for Nevada rail transportation shall be available only if the Secretary designates rail as the preferred mode of transportation within Nevada and selects a Nevada rail corridor within 60 days of enactment of this Act and commences the necessary environmental and engineering analysis to develop and issue a Record of Decision for a specific rail alignment within the selected rail corridor by June 30, 2005: *Provided further*, That not to exceed \$2,500,000 shall be provided to the State of Nevada solely for expenditures, other than salaries and expenses of State employees, to conduct scientific oversight responsibilities and participate in licensing activities pursuant to the Nuclear Waste Policy Act of 1982 (Public Law 97-425), as amended: *Provided further*, That not to exceed \$6,500,000 shall be provided to affected units of local governments, as defined in Public Law 97-425, to conduct appropriate activities pursuant to the Act: *Provided further*, That the distribution of funds to the State of Nevada and affected units of local government shall be solely for activities approved in advance by the Department of Energy: *Provided further*, That the funds for the State of Nevada shall be made available solely to the Nevada Division of Emergency Management by direct payment and to affected

units of local government by direct payment: *Provided further*, That within 90 days of the completion of each Federal fiscal year, the Nevada Division of Emergency Management, the Governor of the State of Nevada, and each affected unit of local government receiving payments under this section shall provide certification to the Department of Energy that all funds expended from such payments have been expended for activities authorized by Public Law 97-425 and this Act. Failure to provide such certification shall cause such entity to be prohibited from receiving any further Federal funding provided for similar activities: *Provided further*, That none of the funds herein appropriated may be: (1) used directly or indirectly to influence legislative action on any matter pending before Congress or a State legislature or for lobbying activity as provided in 18 U.S.C. 1913; (2) used for litigation expenses; or (3) used to support multi-State efforts or other coalition building activities: *Provided further*, That all proceeds and recoveries realized by the Secretary in carrying out activities authorized by the Nuclear Waste Policy Act of 1982, as amended, including but not limited to, any proceeds from the sale of assets shall be available without further appropriation and shall remain available until expended.

#### DEPARTMENTAL ADMINISTRATION (INCLUDING TRANSFER OF FUNDS)

For salaries and expenses of the Department of Energy necessary for departmental administration in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the hire of passenger motor vehicles and official reception and representation expenses (not to exceed \$35,000), \$224,329,000, to remain available until expended, plus such additional amounts as necessary to cover increases in the estimated amount of cost of work for others notwithstanding the provisions of the Anti-Deficiency Act (31 U.S.C. 1511 et seq.): *Provided*, That such increases in cost of work are offset by revenue increases of the same or greater amount, to remain available until expended: *Provided further*, That moneys received by the Department for miscellaneous revenues estimated to total \$123,000,000 in fiscal year 2004 may be retained and used for operating expenses within this account, and may remain available until expended, as authorized by section 201 of Public Law 95-238, notwithstanding the provisions of 31 U.S.C. 3302: *Provided further*, That the sum herein appropriated shall be reduced by the amount of miscellaneous revenues received during fiscal year 2004, and any related unappropriated receipt account balances remaining from prior years' miscellaneous revenues, so as to result in a final fiscal year 2004 appropriation from the General Fund estimated at not more than \$101,329,000.

#### OFFICE OF THE INSPECTOR GENERAL

For necessary expenses of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, \$39,462,000, to remain available until expended.

#### ATOMIC ENERGY DEFENSE ACTIVITIES NATIONAL NUCLEAR SECURITY ADMINISTRATION WEAPONS ACTIVITIES

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other incidental expenses necessary for atomic energy defense weapons activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or

for plant or facility acquisition, construction, or expansion; one fixed wing aircraft for replacement only; and the purchase of not to exceed six passenger motor vehicles, of which four shall be for replacement only, including not to exceed two buses; \$8,117,609,000, to remain available until September 30, 2006.

#### DEFENSE NUCLEAR NONPROLIFERATION

For Department of Energy expenses, including the purchase, construction and acquisition of plant and capital equipment and other incidental expenses necessary for atomic energy defense, defense nuclear non-proliferation activities, in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, \$1,280,195,000, to remain available until September 30, 2006.

#### NAVAL REACTORS

For Department of Energy expenses necessary for naval reactors activities to carry out the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition (by purchase, condemnation, construction, or otherwise) of real property, plant, and capital equipment, facilities, and facility expansion, and the purchase of not to exceed one bus; \$768,400,000, to remain available until expended.

#### OFFICE OF THE ADMINISTRATOR

For necessary expenses of the Office of the Administrator in the National Nuclear Security Administration, including official reception and representation expenses (not to exceed \$12,000), \$341,980,000, to remain available until September 30, 2006.

#### ENVIRONMENTAL AND OTHER DEFENSE ACTIVITIES

##### DEFENSE SITE ACCELERATION COMPLETION

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses necessary for atomic energy defense site acceleration completion activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; \$5,758,278,000, to remain available until expended.

##### DEFENSE ENVIRONMENTAL SERVICES

For Department of Energy expenses necessary for defense-related environmental services activities that indirectly support the accelerated cleanup and closure mission at environmental management sites, including the purchase, construction, and acquisition of plant and capital equipment and other necessary expenses, and the purchase of not to exceed one ambulance for replacement only, \$990,179,000, to remain available until expended.

##### OTHER DEFENSE ACTIVITIES

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses necessary for atomic energy defense, other defense activities, in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, \$666,516,000, to remain available until expended.

##### DEFENSE NUCLEAR WASTE DISPOSAL

For nuclear waste disposal activities to carry out the purposes of Public Law 97-425, as amended, including the acquisition of real

property or facility construction or expansion, \$430,000,000, to remain available until expended.

#### CERRO GRANDE FIRE ACTIVITIES (RESCISSION)

From unobligated balances under this heading, \$75,000,000 are cancelled.

#### POWER MARKETING ADMINISTRATIONS BONNEVILLE POWER ADMINISTRATION FUND

Expenditures from the Bonneville Power Administration Fund, established pursuant to Public Law 93-454, are approved for official reception and representation expenses in an amount not to exceed \$1,500. During fiscal year 2004, no new direct loan obligations may be made.

#### OPERATION AND MAINTENANCE, SOUTHEASTERN POWER ADMINISTRATION

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy, including transmission wheeling and ancillary services, pursuant to the provisions of section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southeastern power area, \$5,100,000, to remain available until expended; in addition, notwithstanding the provisions of 31 U.S.C. 3302, up to \$19,000,000 collected by the Southeastern Power Administration pursuant to the Flood Control Act to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures.

#### OPERATION AND MAINTENANCE, SOUTHWESTERN POWER ADMINISTRATION

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy, for construction and acquisition of transmission lines, substations and appurtenant facilities, and for administrative expenses, including official reception and representation expenses in an amount not to exceed \$1,500 in carrying out the provisions of section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southwestern power area, \$28,600,000, to remain available until expended: *Provided*, That, notwithstanding the provisions of 31 U.S.C. 3302, up to \$1,512,000 collected by the Southwestern Power Administration pursuant to the Flood Control Act to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures; in addition, notwithstanding 31 U.S.C. 3302, beginning in fiscal year 2004 and thereafter, such funds as are received by the Southwestern Power Administration from any State, municipality, corporation, association, firm, district, or individual as advance payment for work that is associated with Southwestern's transmission facilities, consistent with that authorized in section 5 of the Flood Control Act, shall be credited to this account and be available until expended.

#### CONSTRUCTION, REHABILITATION, OPERATION AND MAINTENANCE, WESTERN AREA POWER ADMINISTRATION

For carrying out the functions authorized by title III, section 302(a)(1)(E) of the Act of August 4, 1977 (42 U.S.C. 7152), and other related activities including conservation and renewable resources programs as authorized, including official reception and representation expenses in an amount not to exceed \$1,500, \$171,000,000, to remain available until expended, of which \$167,236,000 shall be derived from the Department of the Interior Reclamation Fund: *Provided*, That up to \$166,000,000 collected by the Western Area



Power Administration pursuant to the Flood Control Act of 1944 and the Reclamation Project Act of 1939 to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures.

FALCON AND AMISTAD OPERATING AND  
MAINTENANCE FUND

For operation, maintenance, and emergency costs for the hydroelectric facilities at the Falcon and Amistad Dams, \$2,640,000, to remain available until expended, and to be derived from the Falcon and Amistad Operating and Maintenance Fund of the Western Area Power Administration, as provided in section 423 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995.

FEDERAL ENERGY REGULATORY COMMISSION  
SALARIES AND EXPENSES

For necessary expenses of the Federal Energy Regulatory Commission to carry out the provisions of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including services as authorized by 5 U.S.C. 3109, the hire of passenger motor vehicles, and official reception and representation expenses (not to exceed \$3,000), \$192,000,000, to remain available until expended: *Provided*, That notwithstanding any other provision of law, not to exceed \$192,000,000 of revenues from fees and annual charges, and other services and collections in fiscal year 2004 shall be retained and used for necessary expenses in this account, and shall remain available until expended: *Provided further*, That the sum herein appropriated from the General Fund shall be reduced as revenues are received during fiscal year 2004 so as to result in a final fiscal year 2004 appropriation from the General Fund estimated at not more than \$0.

GENERAL PROVISIONS  
DEPARTMENT OF ENERGY

SEC. 301. (a) Notwithstanding any other provision of law, including section 303(c)(1) of title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(c)(3)), none of the funds in this or any other appropriations Act for fiscal year 2004 or any previous fiscal year may be used to make payments for any management and operating contract of the Department of Energy unless that contract was awarded using competitive procedures within the past fifty fiscal years or unless the Secretary of Energy, not later than sixty days after the date of enactment of this Act, publishes in the Federal Register and submits to the Committees on Appropriations of the House of Representatives and the Senate a notification of intent to use competitive procedures for the procurement of each management and operating contract when the current term of each such contract expires.

(b) The Secretary may not impose any conditions on the competition of a management and operating contract that is funded under this or any other appropriations Act that may have the effect of biasing the competition in favor of the incumbent contractor or otherwise providing for anything less than full and open competition of such contracts.

(c) For purposes of this section, the term "management and operating contract" means a contract for the management and operation of a Department of Energy laboratory, facility, site, or plant as used in subpart 17.601 of the Federal Acquisition Regulation.

(d) For purposes of this section, the terms "competitive procedures" and "full and open competition" have the meanings provided in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403).

(e) The provisions of subsection (a) in this section apply to contracts awarded for a term of one year or more, not to interim extensions of less than one year used to extend contract performance until a long-term contract is placed or to provide continuity of service between contracts.

SEC. 302. None of the funds appropriated by this Act may be used to—

(1) develop or implement a workforce restructuring plan that covers employees of the Department of Energy; or

(2) provide enhanced severance payments or other benefits for employees of the Department of Energy, under section 3161 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 42 U.S.C. 7274h).

SEC. 303. None of the funds appropriated by this Act may be used to augment the \$15,000,000 made available for obligation by this Act for severance payments and other benefits and community assistance grants under section 3161 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 42 U.S.C. 7274h) unless the Department of Energy submits a reprogramming request subject to approval by the appropriate congressional committees.

SEC. 304. None of the funds appropriated by this Act may be used to prepare or initiate Requests For Proposals (RFPs) for a program if the program has not been funded by Congress.

(TRANSFERS OF UNEXPENDED BALANCES)

SEC. 305. The unexpended balances of prior appropriations provided for activities in this Act may be transferred to appropriation accounts for such activities established pursuant to this title. Balances so transferred may be merged with funds in the applicable established accounts and thereafter may be accounted for as one fund for the same time period as originally enacted.

SEC. 306. None of the funds in this or any other Act for the Administrator of the Bonneville Power Administration may be used to enter into any agreement to perform energy efficiency services outside the legally defined Bonneville service territory, with the exception of services provided internationally, including services provided on a reimbursable basis, unless the Administrator certifies in advance that such services are not available from private sector businesses.

SEC. 307. When the Department of Energy makes a user facility available to universities and other potential users, or seeks input from universities and other potential users regarding significant characteristics or equipment in a user facility or a proposed user facility, the Department shall ensure broad public notice of such availability or such need for input to universities and other potential users. When the Department of Energy considers the participation of a university or other potential user as a formal partner in the establishment or operation of a user facility, the Department shall employ full and open competition in selecting such a partner. For purposes of this section, the term "user facility" includes, but is not limited to: (1) a user facility as described in section 2203(a)(2) of the Energy Policy Act of 1992 (42 U.S.C. 13503(a)(2)); (2) a National Nuclear Security Administration Defense Programs Technology Deployment Center/User Facility; and (3) any other Departmental facility designated by the Department as a user facility.

SEC. 308. The Administrator of the National Nuclear Security Administration may authorize the manager of a covered nuclear weapons research, development, testing or production facility to engage in research, development, and demonstration activities with respect to the engineering and manu-

facturing capabilities at such facility in order to maintain and enhance such capabilities at such facility: *Provided*, That of the amount allocated to a covered nuclear weapons facility each fiscal year from amounts available to the Department of Energy for such fiscal year for national security programs, not more than an amount equal to 2 percent of such amount may be used for these activities: *Provided further*, That for purposes of this section, the term "covered nuclear weapons facility" means the following:

(1) the Kansas City Plant, Kansas City, Missouri;

(2) the Y-12 Plant, Oak Ridge, Tennessee;

(3) the Pantex Plant, Amarillo, Texas;

(4) the Savannah River Plant, South Carolina; and

(5) the Nevada Test Site.

SEC. 309. Funds appropriated by this or any other Act, or made available by the transfer of funds in this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2004 until the enactment of the Intelligence Authorization Act for fiscal year 2004.

SEC. 310. Notwithstanding the provisions of any other law, using funds appropriated in this title, the Secretary of Energy shall proceed with planning and analyses for external regulation of the Department's laboratories under the Office of Science as directed in the report accompanying this bill.

TITLE IV

INDEPENDENT AGENCIES

APPALACHIAN REGIONAL COMMISSION

For expenses necessary to carry out the programs authorized by the Appalachian Regional Development Act of 1965, as amended, for necessary expenses for the Federal Co-Chairman and the alternate on the Appalachian Regional Commission, for payment of the Federal share of the administrative expenses of the Commission, including services as authorized by 5 U.S.C. 3109, and hire of passenger motor vehicles, \$33,145,000, to remain available until expended.

DEFENSE NUCLEAR FACILITIES SAFETY BOARD  
SALARIES AND EXPENSES

For necessary expenses of the Defense Nuclear Facilities Safety Board in carrying out activities authorized by the Atomic Energy Act of 1954, as amended by Public Law 100-456, section 1441, \$19,559,000, to remain available until expended.

DELTA REGIONAL AUTHORITY  
SALARIES AND EXPENSES

For necessary expenses of the Delta Regional Authority and to carry out its activities, as authorized by the Delta Regional Authority Act of 2000, as amended, notwithstanding sections 382C(b)(2), 382F(d), and 382M(b) of said Act, \$2,000,000, to remain available until expended.

NUCLEAR REGULATORY COMMISSION  
SALARIES AND EXPENSES

For necessary expenses of the Commission in carrying out the purposes of the Energy Reorganization Act of 1974, as amended, and the Atomic Energy Act of 1954, as amended, including official representation expenses (not to exceed \$15,000), and purchase of promotional items for use in the recruitment of individuals for employment, \$618,800,000, to remain available until expended: *Provided*, That of the amount appropriated herein, \$33,100,000 shall be derived from the Nuclear Waste Fund: *Provided further*, That revenues from licensing fees, inspection services, and other services and collections estimated at \$538,844,000 in fiscal year 2004 shall be retained and used for necessary salaries and

expenses in this account, notwithstanding 31 U.S.C. 3302, and shall remain available until expended: *Provided further*, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 2004 so as to result in a final fiscal year 2004 appropriation estimated at not more than \$79,956,000.

#### OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, \$7,300,000, to remain available until September 30, 2005: *Provided*, That revenues from licensing fees, inspection services, and other services and collections estimated at \$6,716,000 in fiscal year 2004 shall be retained and be available until expended, for necessary salaries and expenses in this account notwithstanding 31 U.S.C. 3302: *Provided further*, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 2004 so as to result in a final fiscal year 2004 appropriation estimated at not more than \$584,000.

#### NUCLEAR WASTE TECHNICAL REVIEW BOARD SALARIES AND EXPENSES

For necessary expenses of the Nuclear Waste Technical Review Board, as authorized by Public Law 100-203, section 5051, \$3,177,000, to be derived from the Nuclear Waste Fund, and to remain available until expended.

#### TITLE V

##### GENERAL PROVISIONS

SEC. 501. None of the funds appropriated by this Act may be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before Congress, other than to communicate to Members of Congress as described in 18 U.S.C. 1913.

SEC. 502. (a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

(b) NOTICE REQUIREMENT.—In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

(c) PROHIBITION OF CONTRACTS WITH PERSONS FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 503. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriation Act.

The CHAIRMAN. Are there any points of order?

#### POINT OF ORDER

Mr. SHIMKUS. Mr. Chairman, I make a point of order that section 310 of the bill violates clause 2 of rule XXI of the

rules of the House of Representatives prohibiting legislation on appropriation bills.

Section 310 extends requirements on the DOE that are inconsistent with its authority to self-regulate its facilities and contractors for nuclear safety and worker health and safety provided for in its organic statutes. Section 310 requires the Secretary of Energy to fund infrastructure improvements at non-defense science facilities to comply with the Nuclear Regulatory Commission and Occupational Safety and Health Administration regulations. This requires the Secretary to implement infrastructure improvements not currently required by law.

The language in section 310 clearly constitutes legislation on an appropriation bill in violation of clause 2 of rule XXI of the Rules of the House. I therefore insist on my point of order.

The CHAIRMAN. Does any Member wish to be heard on the gentleman's point of order?

If not, the Chair is prepared to rule.

The Chair finds that the section proposes explicitly to supersede existing law. As such, it constitutes legislation in violation of clause 2(b) of rule XXI.

The point of order is sustained and the provision is stricken.

Are there any amendments?

Mr. TAUZIN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, let me take this time to first thank and express my appreciation on behalf of the Committee on Energy and Commerce to the chairman of the subcommittee who brings this bill before us today and to the ranking member from Indiana for the extraordinary cooperative spirit in which this subcommittee of the Committee on Appropriations has worked with our authorizing committee, the Committee on Energy and Commerce, on so many issues of importance when it comes to funding the energy programs of our country that are under our committee's jurisdiction.

This is a great example of how the appropriators can and should work with authorizing committees. We just saw a point of order that was ruled by the chairman on behalf of our committee to strike language that would have legislated on this appropriation bill. We have had many discussions with the chairman and ranking member and our staffs over the past few days, and have worked through the bill to both approve those changes our committee agrees with the appropriators that should be included in this appropriation bill, and to find the language, such as the one we just objected to and might have been proposed authorizing language on an appropriation bill. The spirit by which that has been accomplished has been, I hope, an example for all the authorizing committees and the appropriators.

I want to thank the chairman again personally for the way in which he has approached us and asked us for these discussions and, in fact, worked with

the ranking member for us to reach these agreements and these conclusions. I wish it was true of all the subcommittees of the Committee on Appropriations. What occurred this week in another appropriations matter, where legislation was added that was strictly objected by the Committee on Energy and Commerce, and which has now produced a bill which will have very great difficulty moving through this House, is a bad example of that kind of relationship.

All of the authorizing chairmen that I work with on the committees of jurisdiction, who work very hard with the staffs, who are extraordinarily competent in these areas, and the Members who spend all their waking hours working in these committees in these specific authorizing areas are offended when legislation comes on an appropriation bill changing the policies or in some way affecting the policies that we so carefully try to work out for the benefit of this body, both on the Democratic and Republican side of the aisle. And when we find we do not have the cooperation of an appropriating committee, it really is disturbing.

This is a good example of how the process should work. I wanted to come to the floor to thank the chairman and the ranking member for showing, I hope, the other subcommittees of the Committee on Appropriations how it should be done, how it ought to be done, and how the relationship between authorizing and appropriating committees should, in fact, be a strong and cooperative and workable one.

Mr. HOBSON. Mr. Chairman, will the gentleman yield?

Mr. TAUZIN. I yield to the gentleman from Ohio.

Mr. HOBSON. Mr. Chairman, I would like to also say thank you to the gentleman from Louisiana for his courtesies that he extended to us in working out a couple of things we had. And I did not get a chance to, but I also want to thank the gentleman from New York (Mr. BOEHLERT), the gentleman from Alaska (Mr. YOUNG) of Committee on Transportation and Infrastructure, the gentleman from Virginia (Mr. TOM DAVIS), and all the other chairmen we worked with to get this bill to the floor today.

I think everybody has been very reasonable in working together, because there were some jurisdictional things, but we all understood what we were trying to do, and I very much appreciate the gentleman's comments and the cooperation not only of the gentleman himself, but the staffs of each of the Members I mentioned in working with our staff to work this out.

Mr. TAUZIN. Reclaiming my time, Mr. Chairman, I thank the gentleman, and he makes a good point. I should also say that I speak for the gentleman from Virginia (Mr. TOM DAVIS), the gentleman from Alaska (Mr. YOUNG), and the gentleman from New York (Mr. BOEHLERT), all of whom were invited

into this process as authorizing chairmen to work with this Committee on Appropriations.

And, again, all of us want to thank the gentleman for the way in which he has approached the serious duties we have in authorizing the programs that the gentleman so diligently worked to correctly appropriate for. I thank the gentleman for that.

AMENDMENT OFFERED BY MR. TOM DAVIS OF VIRGINIA

Mr. TOM DAVIS of Virginia. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TOM DAVIS of Virginia:

On page 38, line 20, strike all after "502." through "(c)" on page 39, line 7.

Mr. TOM DAVIS of Virginia (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

(Mr. TOM DAVIS of Virginia asked and was given permission to revise and extend his remarks.)

Mr. TOM DAVIS of Virginia. Mr. Chairman, first of all, I want to associate myself with the remarks of the gentleman from Louisiana.

Mr. Chairman, I ask the amendment be adopted.

The Buy American Act applies to supplies costing more than \$2,500 and establishes a preference for domestic supplies that are manufactured in the U.S. Generally, it applies to acquisitions below the \$177,000 Trade Agreements Act of 1979, TAA threshold.

Commercial firms are required to certify compliance with the Buy American Act, potentially exposing them to civil false claims and other sanctions, even if they have made a good faith effort to comply with the Government-unique requirements. This creates significant financial and legal burdens for industry, given that more and more information technology and goods so critical for the Government's needs being sourced in our global economy from around the world.

Some companies have responded to Buy American Act restrictions by establishing costly, labor-intensive product tracking systems that are not needed in their commercial business, to ensure that products being sold to the Government meet the government-unique requirements. In a few cases, companies have simply stopped selling certain products in the federal marketplace, denying access to some of the latest, more cost-effective products.

The Buy American Act imposes financial and legal burdens on the taxpayers and the commercial companies that sell to the Government. This restriction on the Government's ability to obtain needed technology goods from the World market is a cold war anachronism. Given our growing reliance on information technology and other advanced products—and the current global nature of industry, the Government's ability to get the goods it needs at reasonable prices will be crippled by this restrictive provision.

Therefore, I ask support of my amendment.

Mr. HOBSON. Mr. Chairman, I rise in support of the amendment, and advise the gentleman that we accept it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia (Mr. TOM DAVIS).

The amendment was agreed to.

AMENDMENT OFFERED BY MRS. WILSON OF NEW MEXICO

Mrs. WILSON of New Mexico. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs. WILSON of New Mexico:

At the end of the bill (preceding the short title), insert the following:

SEC. . None of the funds made available in this Act may be used to release water from the San Juan Chama Project or Middle Rio Grande Project for the purpose of complying with the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

Mrs. WILSON of New Mexico (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New Mexico?

There was no objection.

Mr. HOBSON. Mr. Chairman, will the gentleman yield?

Mrs. WILSON of New Mexico. I yield to the gentleman from Ohio.

Mr. HOBSON. Mr. Chairman, we have no objection to gentleman's amendment. If she wishes to explain it briefly, that is fine.

Mrs. WILSON of New Mexico. Reclaiming my time, Mr. Chairman, I thank the chairman for his acceptance of my amendment, but I would like to briefly explain it.

Back in 1962, this Congress approved a water project in northern New Mexico and southern Colorado that builds 26 miles of tunnels to take water from the Colorado River system down for the city of Albuquerque, which is south of this map, and it goes through these tunnels to Herron Reservoir. Those water works started within the last month, and Albuquerque has started taking that water out of the Rio Grande River under multiple contracts with Federal agencies to get that water there.

Unfortunately, two judges in Denver, Colorado, recently came out with an opinion that threatens to undo water all throughout the West, and will mean that citizens in cities and counties throughout the country can no longer plan for their water future. This \$42 million project now is threatened. It provides a third of the water for the city of Santa Fe, almost all of the future water for the city of Albuquerque, and it is not native water. This is not Rio Grande water. It is from Colorado, and it was purchased by the people of New Mexico and brought here.

What this judge has decided is that they can order Federal agents who run these dams to pour the water into the river and require it stay there because there is a fish down at the bottom end of the river that might need it.

□ 1045

These are man-made structures. It is not water native to the Rio Grande,

and all this amendment says is that no funds can be used for these Federal agents running these dams to take water that is not theirs for the purpose of enforcing the Endangered Species Act.

We should not be ordering agencies to breach contracts on water delivery that have existed for 40 years. These agencies have no water rights. They did not buy this water. If the courts can order this, they can order anybody who has bought a bottle of water at the Circle K or at Sam's Club to walk down to any river in this country and pour it in because that is exactly what this ruling in Denver has done.

We are supporting the restoration of the fish downstream, with restoration of the channel, with breeding projects at the zoo, with leasing of rights, but we cannot allow Federal judges to seize water and overturn water law in the entire West.

This is an interim fix with bipartisan support. It is supported by Bill Richardson, the Governor of New Mexico, by Senator BINGAMAN and Senator DOMENICI, by New Mexico's Attorney General Patsy Madrid, by Mayor Marty Chavez, Mayor Larry Delgado, both Democrats, mayors of the city of Santa Fe and of Albuquerque, and broadly supported throughout our community.

We have to protect water rights and protect the law that allows these projects to be built in the first place.

Mr. UDALL of New Mexico. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the amendment sponsor has good intentions. She wants to protect the cities and protect the water supply for the cities of Albuquerque and Santa Fe. I also share her concerns and wish it was just as easy as offering an amendment to protect the water supply for our cities. I am sad to say that this amendment does not solve the problems we face in New Mexico and across the West on water. It is a Band-Aid.

Representatives for the six tribes in the Middle Rio Grande have told me this amendment will force them into a lawsuit. If the San Juan Chama and Middle Rio Grande water is off the table, then tribal water is some of the only water left in the river. The Department of Interior has said they will take tribal waters to satisfy the ESA. Is the gentleman prepared to settle the tribe's lawsuit in her amendment?

Settling one's lawsuit and creating another lawsuit does not seem to me to be much of a solution. Legislatively distinguishing one lawsuit, but creating another one does not seem like it is getting us to the point we want to be at.

This amendment does not deal with the realities we face in the West in terms of water. Our water resources are overallocated. The amendment does not deal with that. We have an exploding population growth in New Mexico, 20 percent over the last 10 years. Population is stretching our water resources to the limits. We are in the

midst of a serious drought. Our water infrastructure is outmoded for current needs. This amendment fails to deal with these realities and many other crucial issues.

I am working on legislation which addresses these realities, and I hope that the gentlewoman and other members of the New Mexico House delegation will join me in this effort. We need legislation that sets up incentives to conserve our water resources and develop collaborative solutions at the local level. We need legislation which restores and protects the Rio Grande River and the surrounding Bosque. We need to encourage technological solutions for new sources of water, and we need to harness technology to increase water efficiency.

This amendment accomplishes none of these important objectives, nor does this amendment move us toward sustainable water practices.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from New Mexico (Mrs. WILSON).

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY MR. HEFLEY

Mr. HEFLEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. HEFLEY:  
At the end of the bill (before the short title), insert the following:

SEC. \_\_\_\_\_. Total appropriations made in this Act (other than appropriations required to be made by a provision of law) are hereby reduced by \$272,110,000.

Mr. HEFLEY. Mr. Chairman, once again I rise to offer an amendment to cut the level of funding in this appropriations bill, to cut by it approximately \$272.1 million, or approximately 1 percent of the total outlays of the bill. The reason it is structured a little differently this time instead of 1 percent across-the-board cut, I do not want there to be any mistake about it, that we mean that 1 percent has to come out of every single program in this bill.

There are some wonderful programs in this bill the gentleman from Ohio (Mr. HOBSON) has put together and funded. There are probably some programs that the gentleman would agree need more money, and there may be some programs that the gentleman would agree probably should go out of existence because they are not working very well, so they should be eliminated.

The way this is structured is if we cut these funds, it would be up to the administration to decide where these cuts should go. I suppose we will once again hear about the impact these cuts would have on certain programs, but this amendment is particularly designed not to bring that into play. It is possible that a 1 percent cut could impact some of the small programs. That is why it is left up to the administration to decide where it is to come from.

But let us look at what a 1 percent cut would mean to some of the programs. In the \$33.1 million line item for the Appalachian Regional Commission, this would mean a cut, \$331,000. I said thousand. That is something we do not understand up here because we do not use that term. We talk in millions and billions. It would be \$331,000.

One businessman has said that a businessman who could not find a way to save a penny out of a dollar should not be in business, and that is what we are talking about with this amendment. We are talking about a penny out of a dollar.

My reasons are simple. They are telling us this very week that next year our deficit will be \$475 billion. That is 4.2 percent of the entire budget, and viewed in that light, the 1 percent cut that I am talking about is probably not adequate.

As I said yesterday on a similar amendment, when I came to Congress, we had a \$200 billion deficit, and all of us, most of us, many of us, were convinced that is something we absolutely had to come to erase, we had to come to grips with. I am offering this amendment to say this needs to be a priority again. We need to balance our budget. Good things may fall by the wayside because a better value, that of balancing the budget, comes into play.

We are looking at doubling the amount from when I came here, and we do not seem to be worried about it at all. Given that context, I do not think asking the administration to find a savings of 1 cent on a dollar is too much to ask. Mr. Chairman, I urge adoption of the amendment.

Mr. HOBSON. Mr. Chairman, I rise in strong opposition to the gentleman's amendment.

I was the Speaker's delegate to the budget when we balanced the budget. I am very aware of budget priorities. I am also an appropriator.

I have great difficulty with everybody saying the administration's decisions are right. We had a discussion earlier which I agreed with that we have great infrastructure problems in this country that are not being taken care of and will cost more money if we do not fix them in the future.

It is very interesting to me that the gentleman picked the Appalachian Regional Commission to mention, because if I had my way, I would have zeroed it all out, but I cannot tell the Chairman how many Members of Congress have come to me and complained to me about the fact that I went with, not my wish, but I went with what the President and the OMB, what their provision was in the bill. I cannot tell how many Members have come and said, this is death. This is the end of the world.

So \$331,000 may not sound like much, but I can tell the Chairman that to the Members that have all come to me, they want it increased dramatically. They want me to double the money; and the Senate is at about \$71 million,

which shows what I am up against when I go to conference on this bill. Frankly, they are \$220 million above this bill when we go to deal with them, so I think we have been pretty good with our 302(b) allocation.

I strongly oppose the gentleman's amendment.

Mr. VISCLOSKEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to indicate my strong opposition to the amendment offered. I think of all of the discrete decisions that have been made on individual projects that were carefully considered, an across-the-board cut is certainly not the way to approach the legislative process, and I am strongly opposed to the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Colorado (Mr. HEFLEY).

The question was taken; and the Chairman announced that the yeas appeared to have it.

Mr. HEFLEY. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Colorado (Mr. HEFLEY) will be postponed.

AMENDMENT OFFERED BY MR. KUCINICH

Mr. KUCINICH. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. KUCINICH:

Page 39, after line 24, insert the following:

SEC. 504. The Nuclear Regulatory Commission shall revoke the license to the Davis Besse nuclear power plant, in accordance with the petition filed with the Nuclear Regulatory Commission under section 2.206 of title 10, Code of Federal Regulations on February 3, 2003, March 27, 2003, and July 7, 2003, (Accession No. ML030370067).

Mr. HOBSON. Mr. Chairman, I reserve a point of order against the amendment.

The CHAIRMAN. The gentleman from Ohio (Mr. HOBSON) reserves a point of order.

Mr. KUCINICH. Mr. Chairman, I rise to offer an amendment to revoke the operating license of the Davis Besse nuclear power plant. I do so because of the substantial safety issues at this reactor and the poor response by the plant owner and the Nuclear Regulatory Commission.

I offer this amendment to ensure the safety of the residents of the 10th Congressional District of Ohio who live less than 100 miles from the Davis Besse Nuclear Power Station. Due to its proximity to the plant and the prevailing wind conditions, people and property within the 10th Congressional District would be detrimentally affected if a nuclear accident were to occur at the Davis Besse facility.

This amendment is not a permanent shutdown. It would merely require the Davis Besse owners to reapply for a new license. This would force a vastly improved assessment of the nuclear plant before it restarts. The basic fact

is that Davis Besse came far too close to a serious loss of coolant accident. The reactor core, the heart at the reactor, at the Davis Besse nuclear plant, sits within a metal pot designed to withstand pressures of up to 2,500 pounds per square inch.

The pot, called the reactor vessel, has carbon steel walls nearly 6 inches thick to provide the necessary strength. Because the water cooling the reactor contains boric acid, which is highly corrosive to carbon steel, the entire inner surface of the reactor vessel is covered with 3/16-inch stainless steel protection. This is the first line of defense to protect us from radiation.

I want to point to this picture here. Water routinely leaked onto the reactor vessel's outer surface, and because the outer surface lacked a protective steel coating, boric acid ate its way through the carbon steel wall until it reached the back side of the inner liner. The cavity was 7 inches long, 6 inches wide and 6 inches deep. High pressure from the reactor vessel pushed the stainless steel outward into the cavity formed by the boric acid.

□ 1100

An engineering analysis by First Energy revealed that the bulging stainless steel was beginning to crack. These cracks certainly suggest that given enough time, the reactor wall would have ruptured. Any tear or rupture in this wall would drain the reactor and require the emergency backup safety systems to work properly to avoid a major accident.

Experts have concluded that if the hole was not discovered, the reactor would have ruptured in the next year of operation. In short, a small leak in a critical area that began around 1996 came far too close to creating a serious nuclear accident.

I want to point to another card here that illustrates what happened when the NRC asked for information about what was going on at Davis-Besse. First Energy, the company running this plant, removed the photograph of the reactor head that was taken during April of 2000. This is the photograph. This company removed this photograph from a packet of information that was given to the NRC. Damage from the corrosion is clearly indicated in the photograph. There is an evident red river of boric acid flowing from the top of the reactor head. This company removed this photograph from a file in order to cover up the kind and extent of damage that was occurring.

A recent report by the Union of Concerned Scientists entitled, "Davis-Besse: The Reactor With a Hole in Its Head," documented the potential failures of the safety systems that would have been necessary if the steel liner had ruptured. The report concludes that the nuclear industry backup safety systems fail all too often for the nuclear industry to depend on them.

Last week, First Energy made public that an essential safety system was in-

operable since the plant began its operation in 1977. A valve that needed to be open to supply cooling water to measure explosive hydrogen in a loss-of-cooling accident has been closed for 25 years and is now rusted shut. According to First Energy, a crack developed in a control nozzle in 1990. By 1995, the crack grew all the way through the nozzle. Boric acid from the water leaking through the crack began attacking the reactor vessel head. By 1999, the reactor vessel head corrosion was bad enough that iron oxide, rust particles, were being detected in the containment atmosphere. Once it opened, the hole widened by nearly 2 inches per year.

It is clear that First Energy and the NRC have failed my constituents. Of course, complacency on the part of the plant's owner and the NRC really caused the hole in the reactor head.

The following are examples of this complacency:

Workers did not discover the damage during visual inspections of the reactor vessel head in 1998 and again in 2000. Boric acid crystals coated the reactor vessel head masking the metal surface.

When problems with leaking CRDM flanges surfaced years ago, workers at Davis-Besse proposed a modification that would enable better inspections of the reactor vessel head. Management approved this modification, but then deferred its implementation.

When boric acid crystals were repeatedly found coating the outer surface of the reactor vessel head, workers at Davis-Besse merely tried cleaning them away. The plant's design required all components coming into contact with reactor water to be made of corrosion-resistant materials or to be clad with a protective layer of stainless steel. The outer surface of the reactor vessel head was neither corrosion-resistant nor coated with stainless steel. Management tolerated a degraded condition prohibited by the plant's design.

Armed with knowledge about leaking CRDM flanges at Davis-Besse causing the outer surface of the reactor vessel to be coated with boric acid crystals, about the high likelihood that one or more CRDM nozzles would be cracked, and about elevated iron oxide levels within the containment building, management lobbied the NRC in fall 2001 to allow it to skip the reactor vessel head inspection mandated by the end of the year.

There is also evidence of complacency by the NRC.

The NRC's Inspector General recently concluded:

During the review of the potentially hazardous condition at Davis-Besse, the NRC staff considered the financial impact to the licensee of an unscheduled plant shut down. The fact that FENOC sought and staff allowed Davis-Besse to operate past December 31, 2001, without performing inspections was driven in large part by a desire to lessen the financial impact on FENOC that would result from an early shutdown.

NRC appears to have informally established an unreasonably high burden of requiring absolute proof of a safety problem, versus lack of reasonable assurance of maintaining public health and safety, before it will act to shut down a power plant. The staff articulated this standard to OIG as a rationale for allowing

Davis-Besse to operate until February 16, 2002.

There is significant evidence that FirstEnergy falsely represented the condition of the pressure vessel and associated piping in order to avoid an NRC-ordered shutdown, and knowingly and recklessly exposed the people of Ohio to a grave and preventable safety risk.

Unfortunately, the NRC has recently issued a draft decision to deny my petition. They just don't get it. The NRC must place the safety of people before the profits of the nuclear industry.

Mr. HOBSON. Mr. Chairman, does the gentleman withdraw this amendment? I insist upon my point of order.

Mr. KUCINICH. The gentleman insisting upon the point of order, I will withdraw the amendment using this opportunity to call this to the attention of the public.

The CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

AMENDMENT NO. 1 OFFERED BY MR. MANZULLO

Mr. MANZULLO. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. MANZULLO:

At the end of the bill (before the short title), insert the following:

SEC. \_\_\_\_ None of the funds made available in this Act may be used—

(1) to acquire manufactured articles, materials, or supplies unless section 2 of the Buy American Act (41 U.S.C. 10a) is applied to the contract for such acquisition by substituting "at least 65 percent" for "substantially all"; or

(2) to enter into a contract for the construction, alteration, or repair of any public building or public work unless section 3 of the Buy American Act (41 U.S.C. 10b) is applied to such contract by substituting "at least 65 percent" for "substantially all".

Mr. TOM DAVIS of Virginia. Mr. Chairman, I reserve a point of order.

The CHAIRMAN. The point of order is reserved.

Mr. MANZULLO. Mr. Chairman, the purpose of this amendment is to make the Army Corps of Engineers and parts of the Department of Energy and Department of the Interior increase the American content of the parts that they buy from 50 percent to 65 percent. These types of materials are to be used in construction projects that are supplied right here in America and there is no hardship in applying that higher standard. The bulldozers, tractors, dredging equipment, pumps, drills, these items are all made right here in America and, it helps out the struggling manufacturing base.

The congressional district that I represent, the biggest city, Rockford, is between 10.5 and 11 percent unemployment. We lost two factories just this past week. It continues over and over again, the erosion of our manufacturing base. Nationwide we are down to about 14.5 million manufacturing jobs. We are losing 57,000 manufacturing jobs each month for the past 34 months.

What we are saying here is very simple. When using taxpayers' dollars, use that money to buy products that are made in America, at least up to the 65 percent, to help stabilize our manufacturing base plus also to provide the jobs so people can pay the taxes in order to keep those government agencies going.

Mr. Chairman, because of the rules, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

Mr. TANCREDI. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise today to engage in a colloquy with the chairman. In 1999, the Army Corps of Engineers declared that the Cherry Creek Reservoir was in need of a \$100 million expansion. The need for the expansion was based on whether projections forecasting not just one but two 1,000-year storms hitting the arid front range of Colorado in a 2-week period.

Not only would the expansion be expensive, it would also inundate several neighborhoods and a high school. Given the questionable assumptions that the proposal was based on, the gentleman from Colorado (Mr. HEFLEY) and I have asked for and received limitation language in the annual energy and water appropriations bill over the last two cycles blocking the Corps of Engineers from moving forward until an independent review of the dam's safety is completed.

Over the past year or so, a State and local task force has been working with the National Weather Service and the Corps of Engineers toward completion of an independent review of the underlying weather models used by the corps and the long-term safety needs in the Cherry Creek Basin. My understanding is that the group believes it will be able to complete its work later this year. It is my sincere hope that they will do so.

I understand that the bill does not specifically include any money for the corps to move forward with a dam safety study at this time, and I would ask the chairman and ranking member of the subcommittee to work with the gentleman from Colorado (Mr. HEFLEY) and me to ensure that the study will not move forward until such time as this independent peer review panel has completed its work.

Mr. HOBSON. Mr. Chairman, if the gentleman will yield, I agree with the gentleman's comments and will try to work with him.

AMENDMENT OFFERED BY MR. INSLEE

Mr. INSLEE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. INSLEE:

At the end of the bill, before the short title, insert the following:

SEC. \_\_\_\_ None of the funds made available in this Act may, after December 31, 2003, be used by the Department of Energy to dispose of any low-level radioactive waste in a land-

fill that does not meet all requirements and standards applicable to landfills containing hazardous waste under Federal law, or under a State regulatory program authorized by section 3006 of the Solid Waste Disposal Act (42 U.S.C. 6926), with respect to landfill lining, leachate collection systems, and groundwater and soil column monitoring systems.

Mr. HOBSON. Mr. Chairman, I reserve a point of order against the gentleman's amendment.

The CHAIRMAN. The point of order is reserved.

Mr. INSLEE. Mr. Chairman, I bring this amendment to the House's attention really to deal with a weakness in our existing laws regarding the disposal of low-level nuclear waste. In the State of Washington, the Department of Energy has plans to ship into the Hanford site tons and tons of what is characterized as low-level nuclear waste for disposal in unlined trenches. Unfortunately, because of existing law, they may at the moment under RCRA statutes be allowed to do that. But this is clearly something we need to resolve because current RCRA law would not allow us to dispose of levels of Drano and paint cans, but does allow us to dispose of low-level nuclear waste in unlined trenches.

Mr. HOBSON. Mr. Chairman, will the gentleman yield?

Mr. INSLEE. I yield to the gentleman from Ohio.

Mr. HOBSON. Mr. Chairman, I understand the concerns of the gentleman from Washington, and I agree that we should not be placing low-level radioactive waste into unlined trenches; and it should not take the Department of Energy several years to figure that out. I will work with the gentleman and with the Assistant Secretary, Jesse Roberson, at DOE to resolve this expeditiously. If we cannot get satisfaction from DOE, then we will address this in conference, and our conference is a little while off; but I do not disagree with the gentleman.

Mr. INSLEE. I thank the gentleman. I am very appreciative of his interest in this. I do think we need to light a fire under this process. I look forward to working with the gentleman in the conference committee.

Mr. HOBSON. Make sure you keep poking at us as we get towards conference.

Mr. INSLEE. I thank the gentleman.

Mr. Chairman, based on the statement of the gentleman, I withdraw the amendment.

The CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

AMENDMENT OFFERED BY MR. MARKEY

Mr. MARKEY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MARKEY:

Page 39, after line 24, insert the following: SEC. 504. None of the funds made available by this Act may be used to issue any license, approval, or authorization for the export or reexport, or the transfer or retransfer, either directly or indirectly, the Democratic Peoples' Republic of North Korea of—

(1) any special nuclear material or byproduct material;

(2) any nuclear production or utilization facilities; or

(3) any components, technologies, substances, technical information, or related goods or services used (or which could be used) in a nuclear production or utilization facility; except that, this restriction shall not apply to exports, reexports, transfers, or retransfers of radiation monitoring technologies.

Mr. MARKEY (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. MARKEY. Mr. Chairman, this is a very simple amendment, and it is based upon a very complex, controversial, but ultimately ineffective, set of agreements which we reached with the North Korean Government making a promise to that government that we in conjunction with our allies would transfer two nuclear power plants to the Government of North Korea if they agreed in turn to put their full nuclear program under full scope safeguards. It has become clear through the Clinton administration and through the Bush administration that Kim Jong-Il is pathologically incapable of handling nuclear materials in a responsible way, and retrospectively it is now quite clear that the nature of the bargain that we made with Kim Jong-Il was fundamentally flawed.

Mr. HOBSON. Mr. Chairman, will the gentleman yield?

Mr. MARKEY. I yield to the gentleman from Ohio.

Mr. HOBSON. Mr. Chairman, I know the gentleman wants to explain his amendment, but I am advised that the Committee on Energy and Commerce has passed similar language to this about three times. If that is correct, then I am willing to accept the amendment on its face. If there is a problem, we will have to work it out in conference at some point; but in an effort to expedite the process here on the floor, I am willing to accept the amendment at this point if the ranking member has no objection.

Mr. VISCLOSKEY. I would have no objection.

Mr. MARKEY. I thank the gentleman very much for his acceptance of the amendment. And just so it is clear what it was that was just accepted, it is basically saying that the United States writ large should not and will not transfer any nuclear power plants or material or personnel that could help them with nuclear power plants as part of any deal in the future; that if they want electricity, that we will build coal-fired plants for them, we will build natural-gas-fired plants for them, but we are not going to transfer materials that could be used for a nuclear weapons program to Kim Jong-Il in North Korea.

That is the essence of the amendment. It has passed the House floor 435-

0 during the Clinton administration and during the Bush administration, but there are personnel inside of both administrations that continue to believe that there is a way in which we can transfer nuclear materials to the North Korean Government, and the Congress has said over and over again it is not a good idea. I appreciate the gentleman from Ohio accepting the amendment. I do want to work with him, as does the gentleman from California (Mr. COX), towards the goal of removing any obstacles that might be created in the future.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts (Mr. MARKEY).

The amendment was agreed to.

#### SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to the order of the House of today, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: the amendment offered by the gentleman from New Jersey (Mr. ANDREWS), the amendment offered by the gentleman from Colorado (Mr. UDALL), and the amendment offered by the gentleman from Colorado (Mr. HEFLEY).

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

#### □ 1115

##### AMENDMENT OFFERED BY MR. ANDREWS

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from New Jersey (Mr. ANDREWS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

##### RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 194, noes 213, not voting 27, as follows:

##### [Roll No. 391]

##### AYES—194

Akin	Brown (OH)	Davis (AL)
Andrews	Brown (SC)	Davis (CA)
Bachus	Burns	Davis (FL)
Baker	Burton (IN)	Davis (IL)
Baldwin	Cannon	Davis, Jo Ann
Ballenger	Capito	Delahunt
Barrett (SC)	Capps	DeMint
Bartlett (MD)	Cardin	Deutsch
Bass	Cardoza	Diaz-Balart, L.
Beauprez	Carson (IN)	Dingell
Bell	Case	Doggett
Bereuter	Castle	Ehlers
Biggett	Chabot	Engel
Bilirakis	Chocola	Eshoo
Bishop (NY)	Cole	Evans
Bishop (UT)	Collins	Everett
Blumenauer	Conyers	Feeney
Boehlert	Cooper	Flake
Boehner	Crane	Fletcher
Bradley (NH)	Culberson	Forbes
Brady (TX)	Cunningham	Fossella

Franks (AZ)	Leach
Garrett (NJ)	Lewis (GA)
Gilchrest	Lewis (KY)
Goss	Linder
Graves	LoBiondo
Green (WI)	Lofgren
Grijalva	Lucas (KY)
Gutierrez	Maloney
Hall	Markey
Harman	Matheson
Hayworth	McCarthy (MO)
Hefley	McCollum
Hensarling	McCrery
Herger	McDermott
Hinchey	McGovern
Hinojosa	McHugh
Hoekstra	McInnis
Holden	McNulty
Holt	Meehan
Honda	Miller (FL)
Hooley (OR)	Miller (NC)
Hostettler	Moore
Houghton	Moran (KS)
Hunter	Moran (VA)
Inslee	Musgrave
Israel	Myrick
Issa	Neal (MA)
Jackson (IL)	Neugebauer
Jackson-Lee	Northup
(TX)	Norwood
Johnson (CT)	Oliver
Johnson (IL)	Otter
Johnson, E. B.	Owens
Keller	Pallone
Kelly	Payne
Kennedy (MN)	Pearce
Kildee	Pence
Kind	Petri
King (IA)	Pomeroy
Kirk	Portman
Klecza	Ramstad
Kline	Rangel
Kucinich	Rohrabacher
Langevin	Ross
Larsen (WA)	Rothman

#### NOES—213

Abercrombie	Emanuel	Latham
Ackerman	Emerson	LaTourette
Aderholt	English	Lee
Alexander	Etheridge	Levin
Allen	Farr	Lewis (CA)
Baca	Fattah	Lipinski
Baird	Filner	Lowe
Ballance	Foley	Lucas (OK)
Becerra	Ford	Lynch
Berry	Frank (MA)	Majette
Bishop (GA)	Frelinghuysen	Manzullo
Blackburn	Frost	Marshall
Blunt	Gerlach	Matsui
Bonner	Gibbons	McCarthy (NY)
Bono	Gillmor	McCotter
Boozman	Gingrey	McIntyre
Boswell	Gonzalez	McKeon
Boucher	Goode	Meek (FL)
Boyd	Goodlatte	Meeks (NY)
Brady (PA)	Gordon	Menendez
Brown, Corrine	Green (TX)	Mica
Brown-Waite,	Greenwood	Michaud
Ginny	Gutknecht	Miller (MI)
Burr	Harris	Miller, Gary
Buyer	Hart	Miller, George
Calvert	Hastings (FL)	Mollohan
Camp	Hastings (WA)	Murphy
Cantor	Hayes	Murtha
Capuano	Hill	Nadler
Carson (OK)	Hobson	Napolitano
Clay	Hoeffel	Nethercutt
Clyburn	Hoyer	Ney
Coble	Hulshof	Nunes
Costello	Hyde	Nussle
Cramer	Isakson	Oberstar
Crenshaw	Istook	Obey
Crowley	Jenkins	Ortiz
Cubin	John	Osborne
Cummings	Jones (NC)	Ose
Davis, Tom	Jones (OH)	Oxley
Deal (GA)	Kanjorski	Pascarell
DeFazio	Kaptur	Pastor
DeGette	Kennedy (RI)	Pelosi
DeLauro	Kilpatrick	Peterson (MN)
Diaz-Balart, M.	King (NY)	Peterson (PA)
Dicks	Kingston	Pickering
Dooley (CA)	Knollenberg	Pitts
Doolittle	Kolbe	Platts
Doyle	LaHood	Pombo
Duncan	Lampson	Porter
Dunn	Lantos	Price (NC)
Edwards	Larson (CT)	Pryce (OH)

Putnam	Sherwood	Turner (OH)
Radanovich	Shuster	Visclosky
Rahall	Simpson	Vitter
Regula	Smith (TX)	Walden (OR)
Rehberg	Snyder	Wamp
Renzi	Souder	Waters
Reyes	Spratt	Watson
Rodriguez	Stark	Weiner
Rogers (AL)	Strickland	Weldon (PA)
Rogers (KY)	Stupak	Weller
Rogers (MI)	Sullivan	Whitfield
Roybal-Allard	Tanner	Wicker
Ruppersberger	Tauzin	Wilson (NM)
Ryun (KS)	Taylor (MS)	Wilson (SC)
Sabo	Thompson (CA)	Wolf
Schrock	Thompson (MS)	Wu
Scott (GA)	Tiahrt	Wynn
Serrano	Tierney	Young (FL)
Sessions	Toomey	
Shaw	Towns	

#### NOT VOTING—27

Barton (TX)	Ferguson	Quinn
Berkley	Gallegly	Reynolds
Berman	Gephardt	Ros-Lehtinen
Bonilla	Granger	Taylor (NC)
Burgess	Janklow	Walsh
Carter	Jefferson	Waxman
Cox	Johnson, Sam	Weldon (FL)
Davis (TN)	Millender	Young (AK)
DeLay	McDonald	
Dreier	Paul	

##### ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are reminded there are 2 minutes remaining in this vote.

#### □ 1137

Messrs. CROWLEY, McKEON, BALLANCE, Ms. LEE, and Messrs. PITTS, ACKERMAN, JONES of North Carolina, Mrs. NAPOLITANO, Mr. TOWNS, and Mr. MEEKS of New York changed their vote from "aye" to "no."

Messrs. BARRETT of South Carolina, MILLER of Florida, HERGER, BRADY of Texas, ISRAEL, HUNTER, MARKEY, PAYNE, NEAL of Massachusetts, FORBES, and CANNON changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

##### AMENDMENT OFFERED BY MR. UDALL OF COLORADO

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Colorado (Mr. UDALL) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

##### RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 153, noes 251, not voting 30, as follows:

##### [Roll No. 392]

##### AYES—153

Ackerman	Bell	Capps
Andrews	Bishop (NY)	Capuano
Baca	Blumenauer	Carson (IN)
Baird	Boehlt	Clay
Baldwin	Boswell	Conyers
Ballance	Bradley (NH)	Crowley
Bartlett (MD)	Brown (OH)	Davis (AL)
Becerra	Brown, Corrine	Davis (CA)



Davis (IL) Kleczka  
 Davis, Jo Ann Kucinich  
 DeFazio Langevin  
 DeGette Lantos  
 Delahunt Larsen (WA)  
 DeLauro Larson (CT)  
 Deutsch Leach  
 Doggett Lee  
 Ehlers Levin  
 Emanuel Lewis (GA)  
 Eshoo Lofgren  
 Evans Lowey  
 Farr Lynch  
 Filner Majette  
 Foley Maloney  
 Ford Markey  
 Frank (MA) Matheson  
 Gerlach Matsui  
 Gibbons McCarthy (MO)  
 Gonzalez McCollum  
 Green (WI) McDermott  
 Grijalva McGovern  
 Gutierrez McKeon  
 Hastings (FL) McNulty  
 Hensarling Meehan  
 Hinchey Meek (FL)  
 Hinojosa Meeks (NY)  
 Hoeffel Menendez  
 Holden Miller (NC)  
 Holt Miller, George  
 Honda Moore  
 Hooley (OR) Moran (VA)  
 Inlee Nadler  
 Israel Napolitano  
 Jackson (IL) Neal (MA)  
 Jackson-Lee Oberstar  
 (TX) Obey  
 Johnson (CT) Oliver  
 Johnson (IL) Owens  
 Johnson, E. B. Pallone  
 Jones (OH) Pascarell  
 Kaptur Payne  
 Kelly Pelosi  
 Kennedy (RI) Platts

## NOES—251

Abercrombie Crane  
 Aderholt Crenshaw  
 Akin Cubin  
 Alexander Culberson  
 Allen Cummings  
 Bachus Cunningham  
 Baker Davis (FL)  
 Barrett (SC) Davis, Tom  
 Bass Deal (GA)  
 Beauprez DeMint  
 Bereuter Diaz-Balart, L.  
 Berry Diaz-Balart, M.  
 Biggert Dicks  
 Bilirakis Dingell  
 Bishop (GA) Dooley (CA)  
 Bishop (UT) Doolittle  
 Blackburn Doyle  
 Blunt Duncan  
 Boehner Dunn  
 Bonner Edwards  
 Bono Emerson  
 Boozman Engel  
 Boucher English  
 Boyd Etheridge  
 Brady (PA) Everett  
 Brady (TX) Fattah  
 Brown (SC) Feeney  
 Brown-Waite, Flake  
 Ginny Fletcher  
 Burns Forbes  
 Burr Fossella  
 Burton (IN) Franks (AZ)  
 Buyer Frelinghuysen  
 Calvert Frost  
 Camp Garrett (NJ)  
 Cannon Gilchrist  
 Cantor Gillmor  
 Capito Gingrey  
 Cardin Goode  
 Cardoza Goodlatte  
 Carson (OK) Gordon  
 Case Goss  
 Castle Graves  
 Chabot Green (TX)  
 Chocola Greenwood  
 Clyburn Gutknecht  
 Coble Hall  
 Cole Harris  
 Collins Hart  
 Cooper Hastings (WA)  
 Costello Hayes  
 Cox Hayworth  
 Cramer Hefley

Pomeroy  
 Porter  
 Rahall  
 Rangel  
 Renzi  
 Rodriguez  
 Rothman  
 Roybal-Allard  
 Ruppersberger  
 Ryan (OH)  
 Ryan (WI)  
 Sabo  
 Sanchez, Linda  
 T.  
 Sanchez, Loretta  
 Sanders  
 Sandlin  
 Schakowsky  
 Schiff  
 Serrano  
 Shays  
 Sherman  
 Skelton  
 Slaughter  
 Smith (WA)  
 Solis  
 Stark  
 Tauscher  
 Thompson (CA)  
 Tierney  
 Towns  
 Udall (CO)  
 Udall (NM)  
 Van Hollen  
 Velazquez  
 Waters  
 Watson  
 Watt  
 Weiner  
 Weldon (PA)  
 Wexler  
 Woolsey  
 Wu

Moran (KS) Murphy  
 Murtha  
 Musgrave  
 Myrick  
 Nethercutt  
 Neugebauer  
 Ney  
 Northup  
 Norwood  
 Nunes  
 Nussle  
 Ortiz  
 Osborne  
 Ose  
 Otter  
 Oxley  
 Pastor  
 Pearce  
 Pence  
 Peterson (MN)  
 Peterson (PA)  
 Petri  
 Pickering  
 Pitts  
 Pombo  
 Portman  
 Price (NC)  
 Pryce (OH)  
 Putnam  
 Radanovich

Ballenger  
 Barton (TX)  
 Berkley  
 Berman  
 Bonilla  
 Burgess  
 Carter  
 Davis (TN)  
 DeLay  
 Dreier  
 Ferguson

## ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are reminded there are 2 minutes remaining in this vote.

□ 1146

Mr. CLYBURN changed his vote from “aye” to “no.”  
 Messrs. SANDLIN, DOGGETT, and McDERMOTT changed their vote from “no” to “aye.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

## PERSONAL EXPLANATION

Mr. WELDON of Florida. Mr. Chairman, I was unavoidably detained during rollcall vote Nos. 392 and 391. I would ask that the RECORD reflect that had I been present I would have voted “no” on rollcall vote No. 392 (Udall amendment) and “no” on rollcall vote No. 391 (Andrews amendment).

□ 1145

## AMENDMENT NO. 2 OFFERED BY MR. HEFLEY

The CHAIRMAN. The pending business is the demand for a recorded vote on amendment No. 2 offered by the gentleman from Colorado (Mr. HEFLEY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

## RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 82, noes 327, not voting 25, as follows:

[Roll No. 393]

## AYES—82

Akin  
 Bachus  
 Barrett (SC)  
 Bartlett (MD)  
 Bass  
 Beauprez  
 Bilirakis  
 Blackburn  
 Brady (TX)  
 Brown-Waite, Ginny  
 Burton (IN)  
 Buyer  
 Cannon  
 Capuano  
 Chabot  
 Chocola  
 Coble  
 Collins  
 Cox  
 Crane  
 Cunningham  
 Davis, Jo Ann  
 Davis, Tom  
 Deal (GA)  
 DeMint  
 Diaz-Balart, M.  
 Doggett

Duncan  
 Everett  
 Feeney  
 Flake  
 Fossella  
 Franks (AZ)  
 Garrett (NJ)  
 Gibbons  
 Graves  
 Green (WI)  
 Gutknecht  
 Hefley  
 Hensarling  
 Herger  
 Hostettler  
 Hunter  
 Isakson  
 Jenkins  
 Jones (NC)  
 Kennedy (MN)  
 Lewis (KY)  
 Linder  
 Matheson  
 McCotter  
 Miller (FL)  
 Miller, Gary  
 Musgrave  
 Myrick

Norwood  
 Otter  
 Pence  
 Petri  
 Pitts  
 Porter  
 Radanovich  
 Ramstad  
 Rogers (MI)  
 Rohrabacher  
 Royce  
 Ryan (WI)  
 Ryan (KS)  
 Schrock  
 Sensenbrenner  
 Sessions  
 Shimkus  
 Smith (MI)  
 Smith (WA)  
 Stearns  
 Tancredo  
 Tanner  
 Taylor (MS)  
 Terry  
 Toomey  
 Wilson (SC)

## NOES—327

Abercrombie  
 Ackerman  
 Aderholt  
 Alexander  
 Allen  
 Andrews  
 Baca  
 Baird  
 Baker  
 Baldwin  
 Ballance  
 Ballenger  
 Becerra  
 Bell  
 Bereuter  
 Berry  
 Biggert  
 Bishop (GA)  
 Bishop (NY)  
 Bishop (UT)  
 Blumenauer  
 Blunt  
 Boehlert  
 Boehner  
 Bonner  
 Bono  
 Boozman  
 Boswell  
 Boucher  
 Boyd  
 Bradley (NH)  
 Brady (PA)  
 Brown (OH)  
 Brown (SC)  
 Brown, Corrine  
 Burns  
 Burr  
 Calvert  
 Camp  
 Cantor  
 Capito  
 Capps  
 Cardin  
 Cardoza  
 Carson (IN)  
 Carson (OK)  
 Case  
 Castle  
 Clay  
 Clyburn  
 Cole  
 Conyers  
 Cooper  
 Costello  
 Cramer  
 Crenshaw  
 Crowley  
 Cubin  
 Culberson  
 Cummings  
 Davis (AL)  
 Davis (CA)

Davis (FL)  
 Davis (IL)  
 DeFazio  
 DeGette  
 Delahunt  
 DeLauro  
 Deutsch  
 Diaz-Balart, L.  
 Dicks  
 Dingell  
 Dooley (CA)  
 Doolittle  
 Doyle  
 Dunn  
 Edwards  
 Ehlers  
 Emanuel  
 Emerson  
 Engel  
 English  
 Eshoo  
 Etheridge  
 Evans  
 Farr  
 Fattah  
 Filner  
 Kind  
 Fletcher  
 Foley  
 Forbes  
 Ford  
 Frank (MA)  
 Frelinghuysen  
 Frost  
 Gerlach  
 Gilchrist  
 Gillmor  
 Gingrey  
 Gonzalez  
 Goode  
 Goodlatte  
 Gordon  
 Goss  
 Green (TX)  
 Greenwood  
 Grijalva  
 Gutierrez  
 Hall  
 Harman  
 Harris  
 Hart  
 Hastings (FL)  
 Hastings (WA)  
 Hayes  
 Hayworth  
 Hill  
 Hinchey  
 Hinojosa  
 Hobson  
 Hoeffel  
 Hoekstra  
 Holden  
 Holt

Honda  
 Hooley (OR)  
 Houghton  
 Hoyer  
 Hulshof  
 Hyde  
 Inlee  
 Israel  
 Issa  
 Istook  
 Jackson (IL)  
 Jackson-Lee  
 (TX)  
 John  
 Johnson (CT)  
 Johnson (IL)  
 Johnson, E. B.  
 Jones (OH)  
 Kanjorski  
 Kaptur  
 Keller  
 Kelly  
 Kennedy (RI)  
 Kildee  
 Kilpatrick  
 Kind  
 King (IA)  
 King (NY)  
 Kingston  
 Kirk  
 Kleczka  
 Kline  
 Knollenberg  
 Kolbe  
 Kucinich  
 LaHood  
 Lampson  
 Langevin  
 Lantos  
 Larsen (WA)  
 Larson (CT)  
 Latham  
 LaTourette  
 Leach  
 Lee  
 Levin  
 Lewis (CA)  
 Lewis (GA)  
 Lipinski  
 LoBiondo  
 Lofgren  
 Lowey  
 Lucas (KY)  
 Lucas (OK)  
 Lynch  
 Majette  
 Maloney  
 Manzullo  
 Markey  
 Marshall  
 Matsui  
 McCarthy (MO)



McCarthy (NY)	Peterson (MN)	Snyder
McCollum	Peterson (PA)	Solis
McCrery	Pickering	Souder
McDermott	Platts	Spratt
McGovern	Pombo	Stark
McHugh	Pomeroy	Stenholm
McInnis	Portman	Strickland
McIntyre	Price (NC)	Stupak
McKeon	Pryce (OH)	Sullivan
McNulty	Putnam	Sweeney
Meehan	Rahall	Tauscher
Meek (FL)	Rangel	Tauzin
Meeks (NY)	Regula	Thomas
Menendez	Rehberg	Thompson (CA)
Mica	Renzi	Thompson (MS)
Michaud	Reyes	Thornberry
Miller (MI)	Rodriguez	Tiahrt
Miller (NC)	Rogers (AL)	Tiberi
Miller, George	Rogers (KY)	Tierney
Mollohan	Ross	Towns
Moore	Rothman	Turner (OH)
Moran (KS)	Roybal-Allard	Turner (TX)
Moran (VA)	Ruppersberger	Udall (CO)
Murphy	Rush	Udall (NM)
Murtha	Ryan (OH)	Upton
Nadler	Sabo	Van Hollen
Napolitano	Sanchez, Linda	Velazquez
Neal (MA)	T.	Visclosky
Nethercutt	Sanchez, Loretta	Vitter
Neugebauer	Sanders	Walden (OR)
Ney	Sandlin	Wamp
Northup	Saxton	Waters
Nunes	Schakowsky	Watson
Nussle	Schiff	Watt
Oberstar	Scott (GA)	Weiner
Obey	Scott (VA)	Weldon (FL)
Olver	Serrano	Weldon (PA)
Ortiz	Shaw	Weller
Osborne	Shays	Whitfield
Ose	Sherman	Wicker
Owens	Sherwood	Wilson (NM)
Oxley	Shuster	Wolf
Pallone	Simmons	Woolsey
Pascrell	Simpson	Wu
Pastor	Skelton	Wynn
Payne	Slaughter	Young (FL)
Pearce	Smith (NJ)	
Pelosi	Smith (TX)	

## NOT VOTING—25

Barton (TX)	Ferguson	Paul
Berkley	Galleghy	Quinn
Berman	Gephardt	Reynolds
Bonilla	Granger	Ros-Lehtinen
Burgess	Janklow	Taylor (NC)
Carter	Jefferson	Walsh
Davis (TN)	Johnson, Sam	Waxman
DeLay	Millender	Young (AK)
Dreier	McDonald	

## ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised that there are 2 minutes remaining in this vote.

□ 1206

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. The Clerk will read. The Clerk read as follows:

This Act may be cited as the "Energy and Water Development Appropriations Act, 2004".

The CHAIRMAN. There being no further amendments, under the order, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. HASTINGS of Washington) having assumed the chair, Mr. ISAKSON, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2754) making appropriations for energy and water development for the fiscal year ending September 30, 2004, and for other purposes, pursuant to the previous order of the House of the legislative day of July 17, 2003, he reported the bill, as amended pursuant to that

order, back to the House with further sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any further amendment reported from the Committee of the Whole? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. HOYER

Mr. HOYER. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. HOYER. I am at this time, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. HOYER moves to recommit the bill, H.R. 2754, to the Committee on Appropriations.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

## RECORDED VOTE

Mr. HOYER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. The vote on final passage will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 99, noes 310, not voting 25, as follows:

[Roll No. 394]

## AYES—99

Abercrombie	Farr	McGovern
Ackerman	Filner	McNulty
Alexander	Frank (MA)	Meehan
Allen	Gibbons	Miller, George
Andrews	Gonzalez	Nadler
Baca	Grijalva	Napolitano
Baldwin	Gutierrez	Neal (MA)
Ballance	Harman	Oberstar
Bishop (NY)	Hastings (FL)	Olver
Blumenauer	Hill	Owens
Boswell	Hoeffel	Pastor
Brown (OH)	Inslee	Pelosi
Brown, Corrine	Israel	Porter
Capuano	Jackson (IL)	Rangel
Carson (IN)	Jones (OH)	Rodriguez
Carson (OK)	Kaptur	Rothman
Clyburn	Kildee	Rush
Conyers	Kilpatrick	Ryan (OH)
Cooper	Klecza	Sanchez, Linda
Cummings	Kucinich	T.
Davis (AL)	Lampson	Schakowsky
Davis (IL)	Larsen (WA)	Sherman
DeGette	Larson (CT)	Slaughter
Delahunt	Lee	Smith (WA)
Deutsch	Levin	Solis
Dingell	Lewis (GA)	Stark
Doggett	Markey	Strickland
Emanuel	Matheson	Stupak
Engel	McCarthy (MO)	Tauscher
Eshoo	McCarthy (NY)	Tierney
Evans	McDermott	Towns

Udall (CO)  
Van Hollen  
Velazquez

Watson  
Watt  
Weiner

Wexler

## NOES—310

Aderholt	Frost	Michaud
Akin	Garrett (NJ)	Miller (FL)
Bachus	Gerlach	Miller (MI)
Baird	Gilchrest	Miller (NC)
Baker	Gillmor	Miller, Gary
Ballenger	Gingrey	Mollohan
Barrett (SC)	Goode	Moore
Bartlett (MD)	Goodlatte	Moran (KS)
Bass	Gordon	Moran (VA)
Beauprez	Goss	Murphy
Becerra	Graves	Murtha
Bell	Green (TX)	Musgrave
Bereuter	Green (WI)	Myrick
Berry	Greenwood	Nethercutt
Biggart	Gutknecht	Neugebauer
Billirakis	Hall	Ney
Bishop (GA)	Harris	Northup
Bishop (UT)	Hart	Norwood
Blackburn	Hastings (WA)	Nunes
Blunt	Hayes	Nussle
Boehlert	Hayworth	Obey
Boehner	Hefley	Ortiz
Bonner	Hensarling	Osborne
Bono	Herger	Ose
Boozman	Hinchey	Otter
Boucher	Hinojosa	Oxley
Boyd	Hobson	Pallone
Bradley (NH)	Hoekstra	Pascrell
Brady (PA)	Holden	Payne
Brady (TX)	Holt	Pearce
Brown (SC)	Honda	Pence
Brown-Waite,	Hooley (OR)	Peterson (MN)
Ginny	Hostettler	Peterson (PA)
Burns	Houghton	Petri
Burr	Hoyer	Pickering
Burton (IN)	Hulshof	Pitts
Buyer	Hunter	Platts
Calvert	Hyde	Pombo
Camp	Isakson	Pomeroy
Cannon	Issa	Portman
Cantor	Istook	Price (NC)
Capito	Jackson-Lee	Pryce (OH)
Capps	(TX)	Putnam
Cardin	Jenkins	Radanovich
Cardoza	John	Rahall
Case	Johnson (CT)	Ramstad
Castle	Johnson (IL)	Regula
Chabot	Johnson, E. B.	Rehberg
Chocola	Jones (NC)	Renzi
Clay	Kanjorski	Reyes
Coble	Keller	Rogers (AL)
Cole	Kelly	Rogers (KY)
Collins	Kennedy (MN)	Rogers (MI)
Costello	Kennedy (RI)	Rohrabacher
Cox	Kind	Ross
Cramer	King (IA)	Roybal-Allard
Crane	King (NY)	Royce
Crenshaw	Kingston	Ruppersberger
Crowley	Kirk	Ryan (WI)
Cubin	Kline	Ryan (KS)
Culberson	Knollenberg	Sabo
Cunningham	Kolbe	Sanchez, Loretta
Davis (CA)	LaHood	Sanders
Davis (FL)	Langevin	Sandlin
Davis, Jo Ann	Lantos	Saxton
Davis, Tom	Latham	Schiff
DeFazio	LaTourette	Schrock
DeLauro	Leach	Scott (GA)
DeMint	Lewis (CA)	Scott (VA)
Diaz-Balart, L.	Lewis (KY)	Sensenbrenner
Diaz-Balart, M.	Linder	Serrano
Dicks	Lipinski	Sessions
Dooley (CA)	LoBiondo	Shadegg
Doolittle	Lofgren	Shaw
Doyle	Lowey	Shays
Duncan	Lucas (KY)	Sherwood
Dunn	Lucas (OK)	Shimkus
Edwards	Lynch	Shuster
Ehlers	Majette	Simmons
Emerson	Maloney	Simpson
English	Manzullo	Skelton
Etheridge	Marshall	Smith (MI)
Everett	Matsui	Smith (NJ)
Fattah	McCollum	Smith (TX)
Feeney	McCotter	Snyder
Flake	McCrery	Souder
Fletcher	McHugh	Spratt
Foley	McInnis	Stearns
Forbes	McIntyre	Stenholm
Ford	McKeon	Sullivan
Fossella	Meek (FL)	Sweeney
Franks (AZ)	Meeks (NY)	Tancredio
Frelinghuysen	Menendez	Tanner
	Mica	Tauzin

Taylor (MS)      Turner (TX)      Weller  
Terry      Udall (NM)      Whitfield  
Thomas      Upton      Wicker  
Thompson (CA)      Visclosky      Wilson (NM)  
Thompson (MS)      Vitter      Wilson (SC)  
Thornberry      Walden (OR)      Wolf  
Tiahrt      Wamp      Woolsey  
Tiberi      Waters      Wu  
Toomey      Weldon (FL)      Wynn  
Turner (OH)      Weldon (PA)      Young (FL)

## NOT VOTING—25

Barton (TX)      Ferguson      Paul  
Berkley      Gallegly      Quinn  
Berman      Gephardt      Reynolds  
Bonilla      Granger      Ros-Lehtinen  
Burgess      Janklow      Taylor (NC)  
Carter      Jefferson      Walsh  
Davis (TN)      Johnson, Sam      Waxman  
DeLay      Millender-      Young (AK)  
Dreier      McDonald

The SPEAKER pro tempore (Mr. HASTINGS of Washington) (during the vote). There are 2 minutes remaining in this vote.

## □ 1248

Ms. ROYBAL-ALLARD, Messrs. BELL, HINCHEY, GREEN of Texas, REYES, ORTIZ, Ms. JACKSON-LEE of Texas and Mr. HONDA changed their vote from “aye” to “no.”

Mr. DEUTSCH and Mr. ABERCROMBIE changed their vote from “no” to “aye.”

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. HASTINGS of Washington). The question is on the passage of the bill.

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

This will be a 5-minute vote.

This vote may be followed by a 5-minute vote on the motion to instruct on H.R. 1308.

The vote was taken by electronic device, and there were—yeas 377, nays 26, not voting 32, as follows:

[Roll No. 395]

## YEAS—377

Abercrombie      Brady (PA)      Crenshaw  
Ackerman      Brady (TX)      Crowley  
Aderholt      Brown (OH)      Cubin  
Alexander      Brown (SC)      Culberson  
Allen      Brown, Corrine      Cummings  
Baca      Brown-Waite,      Cunningham  
Bachus      Ginny      Davis (AL)  
Baird      Burns      Davis (CA)  
Baker      Burr      Davis (FL)  
Baldwin      Burton (IN)      Davis (IL)  
Ballance      Buyer      Davis, Jo Ann  
Ballenger      Calvert      Davis, Tom  
Barrett (SC)      Camp      DeFazio  
Bartlett (MD)      Cannon      DeGette  
Bass      Cantor      Delahunt  
Beauprez      Capito      DeLauro  
Becerra      Capps      DeMint  
Bell      Cardin      Deutsch  
Bereuter      Cardoza      Diaz-Balart, L.  
Berry      Carson (IN)      Diaz-Balart, M.  
Biggett      Carson (OK)      Dicks  
Billakis      Case      Dingell  
Bishop (GA)      Castle      Dooley (CA)  
Bishop (NY)      Chabot      Doolittle  
Bishop (UT)      Chocola      Doyle  
Blackburn      Clay      Duncan  
Blumenauer      Clyburn      Dunn  
Blunt      Coble      Edwards  
Boehlert      Cole      Ehlers  
Bonner      Collins      Emanuel  
Bono      Conyers      Emerson  
Boozman      Cooper      Engel  
Boswell      Costello      English  
Boucher      Cox      Eshoo  
Boyd      Cramer      Etheridge  
Bradley (NH)      Crane      Evans

Farr      Lewis (CA)  
Fattah      Lewis (GA)  
Filner      Lewis (KY)  
Foley      Linder  
Forbes      Lipinski  
Ford      LoBiondo  
Frost      Lofgren  
Garrett (NJ)      Lowey  
Gerlach      Lucas (KY)  
Gilchrest      Lucas (OK)  
Gillmor      Lynch  
Gingrey      Majette  
Gonzalez      Maloney  
Goode      Manzullo  
Goodlatte      Markey  
Gordon      Marshall  
Goss      Matsui  
Graves      McCarthy (MO)  
Green (TX)      McCarthy (NY)  
Green (WI)      McColm  
Greenwood      McCotter  
Grijalva      McCrery  
Gutierrez      McDermott  
Gutknecht      McGovern  
Hall      McHugh  
Harman      McInnis  
Harris      McIntyre  
Hart      McKeon  
Hastert      McNulty  
Hastings (FL)      Meek (FL)  
Hastings (WA)      Meeks (NY)  
Hayes      Menendez  
Hayworth      Mica  
Herger      Michaud  
Hill      Miller (MI)  
Hinchey      Miller (NC)  
Hinojosa      Miller, Gary  
Hobson      Miller, George  
Hoeffel      Mollohan  
Hoekstra      Moore  
Holden      Moran (KS)  
Holt      Moran (VA)  
Honda      Murphy  
Hoolley (OR)      Murtha  
Houghton      Musgrave  
Hoyer      Myrick  
Hulshof      Nadler  
Hunter      Napolitano  
Hyde      Neal (MA)  
Inslee      Nethercutt  
Isakson      Neugebauer  
Israel      Ney  
Issa      Norwood  
Istook      Nunes  
Jackson (IL)      Nussle  
Jenkins      Oberstar  
John      Obey  
Johnson (CT)      Olver  
Johnson (IL)      Ortiz  
Johnson, E. B.      Osborne  
Jones (NC)      Ose  
Jones (OH)      Otter  
Kanjorski      Owens  
Kaptur      Oxley  
Keller      Pallone  
Kelly      Pascrell  
Kennedy (MN)      Pastor  
Kennedy (RI)      Payne  
Kildee      Pearce  
Kilpatrick      Pelosi  
King (IA)      Pence  
King (NY)      Peterson (MN)  
Kingston      Peterson (PA)  
Kirk      Pickering  
Kleczka      Pitts  
Kline      Platts  
Knollenberg      Pombo  
Kolbe      Pomeroy  
LaHood      Portman  
Lampson      Price (NC)  
Langevin      Pryce (OH)  
Lantos      Putnam  
Larsen (WA)      Radanovich  
Larsen (CT)      Rahall  
Latham      Rangel  
LaTourette      Regula  
Leach      Rehberg  
Lee      Renzi  
Rodriguez      Reyes  
Franks (AZ)      Kucinich  
Gibbons      Matheson  
Hefley      Meehan  
Hensarling      Miller (FL)  
Hostettler      Petri  
Kind      Porter

## NAYS—26

Akin  
Andrews  
Capuano  
Doggett  
Feeney  
Flake

Rogers (AL)      Ramstad  
Rogers (KY)      Royce  
Rogers (MI)      Sensenbrenner  
Rohrabacher  
Ross  
Rothman  
Roybal-Allard  
Ruppersberger  
Rush  
Ryan (OH)  
Ryan (WI)  
Ryun (KS)  
Sabó  
Sanchez, Linda  
T.  
Sanchez, Loretta  
Sanders  
Sandlin  
Saxton  
Schakowsky  
Schiff  
Schrock  
Scott (GA)  
Scott (VA)  
Serrano  
Sessions  
Shaw  
Shays  
Sherman  
Sherwood  
Shimkus  
Shuster  
Simmons  
Mica  
Simpson  
Skelton  
Slaughter  
Smith (MI)  
Smith (NJ)  
Smith (TX)  
Smith (WA)  
Snyder  
Solis  
Souder  
Spratt  
Stark  
Stenholm  
Nadler  
Stupak  
Sullivan  
Sweeney  
Tanner  
Tauscher  
Tauzin  
Taylor (MS)  
Terry  
Thomas  
Thompson (CA)  
Thompson (MS)  
Thornberry  
Tiahrt  
Tiberi  
Tierney  
Towns  
Turner (OH)  
Turner (TX)  
Udall (CO)  
Udall (NM)  
Upton  
Van Hollen  
Visclosky  
Vitter  
Walden (OR)  
Wamp  
Waters  
Watson  
Watt  
Weiner  
Weldon (FL)  
Weldon (PA)  
Wilson (NM)  
Wilson (SC)  
Wolf  
Woolsey  
Wu  
Wynn  
Young (FL)

Shadegg  
Stearns  
Strickland  
Barton (TX)  
Berkley  
Berman  
Boehner  
Bonilla  
Burgess  
Carter  
Davis (TN)  
Deal (GA)  
DeLay  
Dreier  
Everett

## NOT VOTING—32

Ferguson  
Fletcher  
Gallegly  
Gephardt  
Granger  
Jackson-Lee  
(TX)  
Janklow  
Jefferson  
Johnson, Sam  
Millender-  
McDonald  
Northup  
Paul  
Quinn  
Reynolds  
Ros-Lehtinen  
Taylor (NC)  
Velazquez  
Walsh  
Waxman  
Young (AK)

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised that 2 minutes remain in this vote.

## □ 1258

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## MOTION TO INSTRUCT CONFEREES ON H.R. 1308, TAX RELIEF, SIMPLIFICATION, AND EQUITY ACT OF 2003

The SPEAKER pro tempore. The unfinished business is the question on the motion to instruct conferees on the bill, H.R. 1308.

The Clerk will designate the motion.

The Clerk designated the motion.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Texas (Mr. BELL) on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 188, nays 201, not voting 46, as follows:

[Roll No. 396]

## YEAS—188

Abercrombie      Davis (IL)      Israel  
Ackerman      DeFazio      Jackson (IL)  
Alexander      Delahunt      Jackson-Lee  
Allen      DeLauro      (TX)  
Andrews      Deutsch      John  
Baca      Dicks      Johnson, E. B.  
Baldwin      Dingell      Jones (OH)  
Ballance      Doggett      Kanjorski  
Becerra      Doyle      Kaptur  
Bell      Edwards      Kennedy (RI)  
Berry      Emanuel      Kildee  
Bishop (GA)      Engel      Kilpatrick  
Bishop (NY)      Eshoo      Kind  
Blumenauer      Etheridge      Kleczka  
Boswell      Evans      Kucinich  
Boyd      Farr      Lampson  
Brady (PA)      Fattah      Langevin  
Brown (OH)      Filner      Lantos  
Brown, Corrine      Ford      Larsen (WA)  
Capps      Frank (MA)      Larson (CT)  
Cardin      Frost      Leach  
Cardoza      Gonzalez      Lee  
Carson (IN)      Gordon      Levin  
Carson (OK)      Green (TX)      Lewis (GA)  
Case      Grijalva      Lofgren  
Castle      Hall      Lowey  
Clay      Hastings (FL)      Lucas (KY)  
Clyburn      Hill      Lynch  
Conyers      Hinchey      Majette  
Cooper      Hinojosa      Maloney  
Costello      Hoeffel      Markey  
Cramer      Holden      Marshall  
Crowley      Holt      Matheson  
Cummings      Honda      Matsui  
Davis (AL)      Hooley (OR)      McCarthy (MO)  
Davis (CA)      Hoyer      McCarthy (NY)  
Davis (FL)      Inslee      McColm